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**Politics, Policy Making, and the Police:
Institutionalized Value Systems, Political Practicalities,
and the Politics of Police Policy Making**

By

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**B.A. San Jose State University 1990
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A dissertation submitted in partial satisfaction of the

Requirements of the degree of

**Doctor of Philosophy
In**

Political Science

In the

GRADUATE DIVISION

of the

UNIVERSITY OF CALIFORNIA, BERKELEY

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Fall 1998

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Abstract

Politics, Policy Making and the Police: Institutionalized Value Systems, Political Practicalities, and the Politics of Police Policy Making

by

Sandra Jean Bass

**Doctor of Philosophy in Political Science
University of California, Berkeley
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Since the early 1980's, urban scholarship on policy making has focused on explaining the characteristics of politics in specific "policy spheres". Peterson argues that expected economic impact explains variations in the character of politics and policy making across policy decisions. However as Sharp points out, many urban policy decisions do not fit into the prevailing policy sphere model. This research explores one area within what could be termed the "social regulatory/social justice" policy sphere – police policy making. I examine the police policymaking process on three critical issues (police accountability, community policing, and public order) in two cities (Seattle,

Washington and Oakland, California). The data sources for this study include interviews, archival research, and extensive participant/observation.

I argue that the institutionalized value system of police professionalism is a critical factor in shaping politics on policing issues. Also I argue that based on the police policy decision at hand, local policy makers behaved as either neutral arbiters, policy leaders, or disengaged delegators. Differences in policy maker behavior were driven by the high visibility of these types of decisions, the perception of political benefits and/or risks, and the intensity of interest group beliefs and preferences. The findings of this research make a significant contribution towards developing hypotheses for explaining political decision making on social regulatory/social justice issues at the local level. In doing so, this research speaks to an important gap in the urban politics literature.

Bruce E. Carr

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Introduction and Research Methodology

Since the early 1980's urban scholarship on policy making has focused on explaining the characteristics of political action in specific "policy spheres" [Peterson 1981]. However, police policy making does not fit well into the prevailing policy sphere model. This research explores one area within what could be termed the social regulatory policy sphere. Using hypothesis generated from the literature on the effects of formal structure and informal relationships on policy making, I describe and analyze the police policy making in two cities Seattle, Washington and Oakland, California. The findings of this research make a significant contribution towards fleshing out one policy within the social regulatory policy sphere. In doing so, this research speaks to an important gap in the urban politics literature.

Police are central to urban governance, yet the political implications of policing and police policies are not well integrated into mainstream theories of urban politics. Historically, municipal institutional reform movements have profoundly influenced policing. Beginning with the Progressive reform movement in the early 20th century, institutionalizing the political values of impartiality, standardization, and equity by altering the structure of government, has had a significant influence on the development of American policing. The prevailing model of police professionalism has roots reaching back to the Progressives, and has further inculcated the values promoted by the

Progressives into policing. For this reason, this analysis pivots around the institutional angle. In other words, a central premise of this research is exploring the influence of institutional imperatives on police policy making. However, contemporary urban research has also explored the influence of informal factors and coalitional politics on urban politics. This literature asserts that factors beyond institutional imperatives and electoral politics, narrowly defined, can more aptly explain political decision-making. Based on hypotheses generated from both the literature on municipal institutions and urban policy making, this research asks: *How important is institutional structure in explaining the process and politics of police policy making? What factors best explain the character of politics on police policy issues?* In answering these questions, I hope to illuminate politics and policymaking in one area of the social justice/social regulatory policy sphere.

The working hypothesis for this study was that differences in institutional structure should have an affect on the process of policy making, politics, and by extension, policy outputs. The data however, suggests that institutional structure in itself was not the most important factor for explaining differences in politics.

The function of policing - the preservation of social order – is a critical factor in the politics of policing. The role of the police in defining and enforcing status-quo conceptions of social order places the police at the nexus of many potentially volatile social cleavages. Political conflicts on policing often focus on what the police do, as well as how the police perform their duties. Despite the political volatility of the police function, some police work, such as crime control and prevention, can be politically beneficially when handled carefully.

Unpredictability, mutability, and the potential for either public condemnation or approval characterize the police policy making realm. For these reasons, political leaders approach the topic carefully, if not reluctantly. This research found that political leaders adopted different political strategies based on their perceptions of the political implications of the policy decision. Dependent upon the issue, political leaders adopted the role of either neutral arbiters, policy leaders, or disengaged delegators

While institutional structure had only a minimal affect on most policy decisions, the value system promoted by Progressive municipal reform and more importantly, professional police reform is fundamental to the way police policy issues were shaped, and the politics of police policymaking in these two cities. Professional police reforms centered on increasing police organizational autonomy by limiting avenues for external influence. As police have become increasingly isolated from political leadership and the public, the premises of these earlier reforms have come under fire. I argue that the desire to retain enough organizational autonomy to prevent corruption while providing enough permeability to sustain broad public consent, is at the heart of the politics around policing.

In sum, I argue that the most effective means of negotiating the tension between organizational autonomy and public consent is to promote a more interactive conception of police “reform” than has previously been employed. Further I briefly address the implications of these findings with respect to prevailing theories of urban policy making.

Research Design, Methodology, and Data Sources

In order to answer these questions, I conducted in-depth case studies of Seattle, Washington and Oakland, California. These two cities have different political structures

but were relatively similar by other measures, and had made police policy decisions in three comparable areas. There are three basic reasons why I chose these two cities. First, it was important that there be variance on the institutional structure dependent variable. Oakland is governed under a Council/Manager form of government and Seattle has a Mayor/Council institutional structure.

I also wanted to minimize variation on other possible influences, such as partisanship and ideological leanings. In this way, if institutional structure had an affect on policy making or outputs it could be more readily disentangled from other causal factors. Thus, both cities are located in the west, have been significantly influenced by Progressive reforms, and are considered bedrocks of political liberalism and progressivism.

Last, both cities had made similar police policy decisions in three comparable areas within roughly the same time period: The consideration of civilian oversight; the development of a community policing policy; and a public-order policing policy. The nature of these three policy decisions are particularly useful for assessing the politics of police policy making and understanding the evolving relationship between police, political leadership, and the citizenry. As Wilson notes, most police policy decisions are made within the organization with minimal external influence, as most are of little interest to the citizenry [Wilson 1968]. In order to assess the politics of police policy making within the larger political context, policy decisions that evoke the interest of political elites and the public need to be examined. Secondly, I wanted to select policy decisions that most directly speak to the relationship between police, political leaders, and the public. For that reason, decisions such as budgetary allocations and personnel

decisions while critically important, were not selected, because these decisions have a more indirect influence on the interactions between police and external actors.

To determine the influence of institutional structure on police policy making, I ask to what degree key factors of formal institutional structure affected policy making. The formal factors associated with institutional structure which may affect the policy making process that I examine are: 1) The formal distribution of power across institutions and 2) the methods of aggregating citizen preferences. In other words, I ask whether the way institutional structure distributes power and elicits and aggregates citizen preferences has an affect on policy making and/or policy outputs.

Several authors have suggested that the character of the “governing coalition” is a more important indicator of political decision making than institutional imperatives. [Browning, et. al 1984; Stone 1989]. To a large degree, the design of this study precludes this type of analysis. Purposely, I’ve selected cities with similar partisanship leanings and political inclinations in order to isolate variation to the institutional variable. However, the broader implication of this literature implies that informal relationships more widely construed, have an influence on political decision making. Inherently informal relationships and politics are difficult to define and measure. The elements of informal politics I intend to explore include such activities as the relationships between government actors and non-government actors, the negotiations process between labor unions and city government, and to the extent possible, the influence of broader cultural and societal norms political motivations and actions.

In the three policy decisions, I examine how institutional imperatives and informal factors affect three key elements of the policy making process: agenda setting,

the management of and response to citizen demands, and policy outputs. In Chapter 5, I also discuss policy outcomes.

Primary data sources include municipal archives, elite and community activist interviews, newspaper accounts, and participant/observation. The Oakland data is based primarily on over three years of participant/observation of policing, policy making, and community activism on police issues. While participant/observation is a time-consuming and often pedestrian method, it does give the data a richness that is missing from other methodological techniques. Further, observation data allowed me to triangulate my own interpretation of events with the perspectives of those involved in the process whom I later interviewed. The observation data included two years on the city task force charged with developing a city wide community policing policy; auto patrolling and walking beats with officers at least once in each city neighborhood; attending community policing meetings within each council district, walking with citizen patrol members, and attending all city council meetings related to the policy issues studied. Further interviews with political leaders, union representatives, police command staff, police officers, and community activists were conducted during the course of the research.

In Seattle, I conducted several interviews however a majority of the data was culled from the city's municipal archives. The detail and timeliness of these archives was astonishing and combing through the thousands of pages of transcripts, research reports, council member/mayoral papers and speeches, and survey data was a worthwhile treasure hunt. The most important discrepancy between the methods employed in each city is the reliance on participation observation in Oakland versus the reliance on municipal archives and other written accounts in Seattle. My hope is that relying on these two

differing, yet equally rich data sources will ultimately provide enough symmetry to substantiate my findings.

In accordance with Human Subjects protocols, data collected from interviews and observation are coded to conceal the identity of the informants. The code primer and the actual interview materials and notes are stored in separate, locked file cabinets in order to guard the privacy of the subjects. Further, each informant was given a written statement describing the purpose of the research, the subject of the interview, the contribution of this research, and were informed that they were under no obligation to participate.

Research notes:

During the course of this research Oakland underwent major infra-structural changes which affected city politics and policy making. A coordinated political attack against the city manager form of government through the policy making and initiative process and a significant restructuring of the police department made studying Oakland somewhat of a moving target. These changes however are central to the story. While the dissertation discusses these changes as they relate to the police department, it is important to note the larger systemic context within which they occurred.

Outline

Chapter 1 will present a review of the major scholarship on institutional structure and municipal politics, urban politics and policy making, and city politics and policing. The chapter will then discuss the importance of municipal reform in the history of policing and police reform. This review will illustrate that my research addresses an important gap in our current understanding of urban politics.

Chapter 2 will begin by describing forms of municipal institutional design and present data on the prevalence of these forms nationwide. This portion of the chapter will illustrate that most American cities have hybrid institutional structures. The Chapter will then give a brief summary of the similarities and differences between the two case cities. Chapters 3 through 5 present the data for analysis. Chapter 3 discusses the policy issue of civilian review. Chapter 4 discusses community policing, and Chapter 5 focuses on public order or order maintenance policing. In Chapter 6, I conclude the study by reviewing the key findings of the data chapters and discussing the politics of policing and police policy making more generally.

CHAPTER 1

Politics, Policy Making, And The Police

Since the early 1980's, urban scholarship on policy making has focused on explaining the characteristics of political action in specific "policy spheres" [Peterson 1981]. However, police policy making does not fit well into the prevailing policy sphere model. This research intends to explore one area within an emerging social regulatory/social justice policy sphere. Using data collected from three cases of police policy making in two cities, I intend to describe and discuss the character of the policy making process. The working hypothesis of this study is that variations in institutional structure should have an affect on policy outputs.

First, I will give a brief overview of Peterson's policy spheres model and discuss the limitations of this model for explaining social regulatory decision making, such as police policymaking. Next I will review the literature in two strands of municipal politics, the influence of institutional structure on urban politics and governance, and the literature on urban policy making. I will discuss the literature on police policy making specifically. These sections will place this study within the literature and describe the research questions and hypotheses of the study. Finally I will discuss the policing function, it's importance to city politics, and the centrality of police reform to municipal reform. This section will demonstrate the parallels between municipal

governing philosophies and comprehensive police reform movements and illustrate how my research on the intersection between political institutions, policy making, the police and the public speaks to an important gap in the literature.

Peterson's Policy Spheres Model

In *City Limits*, Paul Peterson attempts to develop a broad theoretical framework for reconciling different theories of urban politics, community power, and policy making. [Hunter 1953; Dahl 1961; Polsby 1963; Stone 1989; Yates 1977,]. For several decades the distribution of community power and its affects on policy was at the center of urban political studies. Some theorists argued that economic elites dominated urban politics [Hunter 1953]. Others found power to be more broadly distributed [Dahl 1961; Polsby 1963]. One scholar argued that power was so widely dispersed and group conflict so volatile, cities were virtually ungovernable [Yates 1977].

Peterson argues that in many respects each school may be partially correct, as the character and power dynamics of politics varies according to the policy issue or "policy sphere" [Peterson 1981]. Peterson starts with the assumption that economic impact is the central factor for explaining urban politics in a given sphere. He identifies three specific "policy spheres"; developmental, allocational and redistributinal. He argues that the economic impact associated with the policies emerging from these spheres explains the differences in politics across spheres.

The developmental sphere consists primary of business attraction and retention policies. He notes that these policy decisions are frequently delegated to independent development authorities. Because the policy arena is relatively closed, and intended policy outcomes will have a positive affect on city economic health, policy making

tends to be elite dominated and consensual. The allocational policy sphere covers the “housekeeping functions” of urban government - service delivery, employment policies, awarding of city contracts, etc. The history of politics on allocational issues reaches back to the earliest conflicts between machine politicians and urban reformers regarding the appropriate means of distributing divisible and material municipal benefits.

Competition among groups vying for these bounded resources can be fierce. Thus when allocational matters are at issue, policy making tends to be high profile, pluralistic, and conflict-ridden. Cities rarely address policies which redistribute resources from higher to lower income groups. According to Peterson, cities use a number of strategies to delay, defuse, and otherwise discourage addressing these policies, thus redistributive matters are rarely addressed. Peterson’s model of urban decision making has been very influential and some credit his work in encouraging the explosion of case studies on urban economic development in the 1980s [e.g. Fainstein, et. al 1983; Swanstrom 1985; Logan and Molotch 1987; Squires 1989]

Peterson’s categories however do not cover the range of policy decisions made by urban governments. By starting with the assumption that economic impact is the most important determinant of urban politics, Peterson’s categorical excludes urban decisions which are not directly associated with urban economics. For example, Peterson’s typology does not speak to policy making on the issue of government structure itself. These types of decisions would include those involving quasi-governmental authorities like Port Authorities, utilities companies, etc., intergovernmental regional decision-making, as well as institutional structural decisions such as electoral schemes and the distribution of power across institutions. [Sharp 1997]

Nor, as Sharp points out do Peterson's categories cover social regulatory/social justice policies such as issues dealing with civil rights or morality politics [Sharp 1997]. For example, Peterson argues that issues such as residential integration, equality of educational opportunity, and affirmative action in local government hiring, demonstrate a tension between redistributive politics and allocational politics. From this perspective, minority political actions to forward equal protection and social justice are presented as examples of the politics of demand making by African Americans for a redistribution of divisible benefits to the African American community [Sharp 1997]. In casting these demands as primarily conflicts over the distribution of divisible benefits, Peterson misrepresents the core conflicts at hand. Thus his analysis leads to the view that all black demands are fundamentally redistributive and thus "beyond the capacity of local officials to grant". [Peterson 1981]

Peterson categorizes police policy making primarily under the allocational sphere. On one dimension there is an allocational aspect to policing as the deployment of police services is in some degree, divisible and material. However community concerns about policing also focus on issues which would be more appropriately described as social justice concerns, such as redress for police abuse, provision of certain constitutional rights, and guarantees of fair and legal police procedures. Allocational politics can not capture or explain the politics of policy making around these issues.

Tatalovich, et.al. define social regulatory policy as the "the exercise of legal authority to affirm, modify, or replace community values, moral practices and norms of interpersonal conduct." [Tatalovich and Daynes 1998 xxx] In other words, social

regulatory policies focus on conflicts over societal values, mores and norms. For examples, national controversies over gun control, crime, welfare reform, abortion rights, gay rights, and affirmative action could all be considered social regulatory/social justice policy decisions. Tatalovich and Daynes argue that the key political characteristics of these types of conflicts are that they are “based on non-economic values, ...are politicized by single issue groups, ...and the federal judiciary, notably the Supreme Court, is the primary decision maker.” [Tatalovich and Daynes 1998 xxix].

Tatalovich and Daynes focused their analysis on national social regulatory policy making. As Sharp points out, social regulatory policies are also a factor in local politics [Sharp 1997]. For example, the extension of spousal benefits to same-sex couples, the operation of abortion clinics, anti-pornography crusades, local hate crime legislation, developing a multicultural K-12 curriculum, or ordinances regulating the behavior of the homeless, could all be categorized as social regulatory/social justice issues which can have a profound impact on local politics.

Sharp argues that there are several reasons for the minimal attention to social regulatory policy making in urban studies [Sharp 1997]. Police, prosecutors, and the local judiciary - all governmental agencies active in social regulatory policy making - are not well-integrated into mainstream urban studies. With regards to the police this may be due, as I suggest later in this chapter, to the long history of removing “politics” from policing. However, it also suggests that these institutions are viewed as belonging primarily under the purview of the criminal justice system rather than local government. To some extent this is true. As criminal justice agencies, these institutions are embedded within the larger criminal justice system and are significantly affected by

decisions made outside of the local context. However these institutions are still rooted within the local context, and there are several avenues for local actors to exert their influence. For example, many local prosecutors and judges are elected positions. Further, local policy decisions such as new laws or police enforcement directives can have a appreciable affect on local criminal justice institutions.

Sharp also argues that social regulatory conflicts may receive less scholarly attention because they are viewed as episodic events rather than reflections of stable political conflicts. For example, attacks on abortion clinics may be seen as “as flashes of political insanity” rather than conflicts amenable to deliberative politics [Sharp 1997]. This may not always be the case however. Often times these types of critical events emerge from the non-resolution of long-standing conflicts. For example, the Kerner Commission report and other studies of large scale police/community conflicts, argue that “episodes” or critical events such as civil disturbances, are often a sign of more enduring problems between the police and specific publics [Kerner Commission 1968]

Social regulatory policies are an important part of local government decision making, yet our understanding of these policy decisions is quite slim. Research aimed at furthering our understanding of politics and policy making in this area at the urban level is sorely needed. This dissertation attempts to explore policymaking on one critical issue within what could be termed the social regulatory policy sphere - police policymaking.

Literature Review:

In urban studies there are two major strands of scholarly work which attempt to explain the dynamics of politics, policy making, and policy outputs. One strand focuses

on the affects of formal institutions, and the other emphasizes the affects of informal political influences and relationships on politics and policy. Progressive and professional police reforms have been the most important forces in shaping American policing. Both of these reform movements focused on altering institutional and organizational arrangements to produce the desired changes. For that reason, an analysis centered on the affects of institutional structure is particularly relevant for this policy area. Conversely however, the urban policy literature suggests factors other than formal institutions, such as informal relationships, systemic incentives, and coalition politics may better explain the character of politics. This section will review the literature in both strands of research to develop the research questions and working hypotheses for this study.

Municipal Institutional Structures, Politics, And Policy

The relationship between municipal institutional structures and governance has taken a back seat in urban political studies [Svara 1990]. This is likely due to the inconclusive findings in much of the scholarly studies in this research area. However in many ways the impact of institutional structures on politics and policy making is ripe for further examination. Minority politics at the urban level has focused primarily on altering electoral systems in order to increase minority descriptive and substantive representation. Despite significant increases in minority descriptive representation, minorities in major American cities have found incorporation to have a limited effect on policy issues of interest. This is particularly true for African-Americans.

Adolf Reed argues that external conditions and systemic constraints, such as white flight, a shrinking tax base, limited economic resources, and a crumbling

infrastructure have forced black-led regimes to neglect the interests of minorities and to court corporate money by emphasizing the development of the city core [Reed 1988]. These factors certainly have had an influence on the types of policies pursued by all urban governments however, the structure of municipal institutions may also constrain elected officials in the policy making process. This is particularly true for those cities governed by “reformed” municipal institutions.

As discussed later in the chapter, reformed institutions were instituted as a means of limiting the influence of machine politicians by dissipating political power and separating politics from administration. These structural arrangements effectively curtailed municipal corruption, but they also encouraged administrative fragmentation and a weakening of political leadership. Administrative fragmentation and bureaucratic functionalism have made it increasingly difficult to respond effectively to the complex issues that urban governments must address. Mayors elected in weak mayor systems have few resources to implement their policy programs. Neighborhood groups argue that current structures can not effectively address the unique interests of specific communities. Further, the practice of frequently amending the city charter has left some cities with an unwieldy, confusing, and ineffective document for directing governance. Several cities have begun to consider strong mayor proposals, community-oriented government and/or general charter reform in order to address these problems (e.g. New York, Los Angeles, Oakland). Studies which attempt to assess the impact of institutional structure on politics and policy can shed light on these questions and determine whether institutional structures are an impediment to more effective policy making.

Most studies on municipal institutional structure have compared the effects of “reform” and “unreformed” institutional structures on specific dimensions of politics and policy. Reformed refers to institutions structured along the lines of progressive reforms. Unreformed refers to institutions which were not significantly effected by progressive reforms. Svara, and Welch and Bledsoe provide a through review of studies focusing on the political implications of institutional reform, however there are specific findings that should be noted. [Svara 1990; Welch and Bledsoe 1988].

One group of studies examined the impact of reformed institutional structures on voting behavior, public attitudes towards government efficacy, and participation. Overall, most studies found that reformed institutional arrangements resulted in lower rates of voting. Several studies found that there was less racial and ethnic voting in partisan races [Pomper 1966; Pettigrew 1976; Gordon 1970]. Parties they argue, build political bridges across ethnic and racial boundaries. Other studies have found that partisan elections can hinder black candidacies [Nelson and Meranto 1977]. Another group of studies, however found that having a non-partisan system was one factor in encouraging interracial coalitions in western cities.[Browning, Marshall, Tabb 1984; Sonenshein 1993] These authors argues that coalition building in non-partisan systems focused on specific issues rather than the more conflict-ridden ideological terrain associated with parties. Black descriptive representation appears to have had an effect on black efficacy in local government, and there were more efficacious attitudes in district cities than in at-large cities.

Another set of studies examined the impact of reformed political institutions on electoral outcomes. These studies found the “reformed” institutions had an effect on the

racial and income characteristics of representatives. Karnig and Welch found that non-partisan elections seemed to facilitate black candidacies, but that blacks were more likely to be elected in partisan system [Karnig and Welch 1980]. This concurs with other studies that found a mild positive effect on black representation in partisan systems [Kramer 1971; Campbell and Feagin 1975]. Some studies found that “reformed” institutions facilitated the election of Republican and higher income candidates. [Lee 1960; Hawley 1973]. Finally, studies of the affects of district vs. at-large elections on representation have found that district elections facilitated the election of African Americans [Karnig and Welch 1980; Campbell and Feagin 1975], but it is unclear how district based elections affect other measures of diversity [Helig and Mundt 1984; Karnig and Welch 1980].

Differences in elite attitudes and behavior among reformed and unreformed cities have also been examined. These studies found very little differences on policy attitudes based on institutional structures. In fact, these studies found that representatives tended to be more similar than different. There were differences in how constituencies were viewed by representatives elected on an at-large vs. a district basis. Representatives in at-large cities were more likely see the city as a whole as their constituency, where as district representatives were more likely to focus on the neighborhood as their constituency. District councils were also more likely to engage in conflict than at-large councils. These conflicts focused on the divisible benefits or “pork-barrel” political issues rather than ideological or partisan conflicts. [Welch and Bledsoe 1984]. However, almost none of the district-based representatives saw the neighborhood as their primary focus. [Helig and Mundt 1984]. Whether the city held

partisan elections seemed to have little affect on attitudes as well. Regardless of whether the city held partisan or non-partisan elections, there was little difference in attitudes towards the focus of representation or the performance of constituency services [Svara 1990; Welch and Bledsoe 1988].

Karnig and Welch found that the move from at-large to district electoral schemes for city council elections has dramatically increased black representation in reform cities [Karnig and Welch 1980]. However translating black representation into policy responsiveness has been less fruitful. Welch & Bledsoe found that there was no significant correlation between electoral structure and policy responsiveness specifically to minorities. [Welch and Bledsoe 1988]. While district based councils engaged in more conflict, these conflicts were more likely to be geographically rather than racially based. Further Welch and Bledsoe found that while district based schemes increased the descriptive representation of blacks, there was little difference between white and black representatives in policy attitudes. Karnig and Welch did find however that black mayoral representation made a significant difference in human capital expenditures (social welfare and education).[Karnig and Welch 1980].

Another group of studies examined the effects of institutional structure on policy outputs. Most of these studies used budgetary indicators as a measurement for policy outputs. In a study of taxation and expenditure levels in 200 cities, Lineberry and Fowler found that reformed cities did perform differently than non-reformed cities because of the “filtering” function of political institutional structures. While structures traditionally associated with machine politics (partisan elections, ward constituencies, etc) tended to maximize the impact of political cleavages on public policies, reformed

institutions tended to minimize the affects of external inputs on policy outputs. Thus reformed institutions were overall less responsive than non-reformed institutions. [Lineberry and Fowler 1967]. Other studies have found however that institutional structure have little to no affect on policy outputs [Morgan and Pelissero 1980]. Another study found that reformed institutions were more responsive to business interests [Elkins 1985].

Finally, a smaller group of studies reflected on the effects of “political culture” on politics and policy making. [Banfield and Wilson 1963; Wolfinger and Field 1965; Wilson 1968]. Political culture is an amorphous term, with varying definitions and interpretations. Banfield and Wilson define political culture as a “general consensus of how public issues should be resolved.” They divide urban political cultures into two schools; those aspects of political culture associated with machine politics and those associated with reformed institutions. Machine political culture is based on a particularistic or individualistic view of politics. In this cultural rubric, politics is seen as a means of acquiring and distributing public benefits to political supporters and allies. By contrast, the political culture associated with reformed institutions is described by Banfield and Wilson as unitary or public-regarding. This political culture is based on values which emphasis government action for the “public good”.

The literature on the affects of institutional structure is relatively inconclusive. This dissertation does not attempt to compare reformed and unreformed institutional structures. First, both cities in this study are considered to have “reformed” institutions. Second, for reasons that will be discussed in Chapter 2, these categories may not be useful explanatory variables because of the prevalence of institutional hybridity. Rather,

in this study I will explore the affects of specific elements of formal institutional structure by delineating the structural variations between Seattle and Oakland and observing whether these variations affect the policy making process.

Urban Policy Making

Research on urban policy making has its genesis in community power studies. This debate centered on explaining a different aspect of urban politics than this study - the distribution and exercising of power in urban politics. However, for my purposes, this literature has been instrumental in shaping the methodological approaches to studying urban politics and policy making and subsequent research in the area.

Floyd Hunter's study of politics and power in Atlanta, Georgia initiated the debate on power in urban politics and policy. [Hunter 1953]. Employing a reputational methodology¹, Hunter concluded that power in Atlanta was significantly skewed towards those in the business community. "Elites" however, exercised power over urban policy through informal rather than formal avenues. Hunter argued that an informal "understructure of power" allowed economic elites to affect public policy in ways most beneficial to their class interests [Hunter 1953].

Critics however, questioned whether Hunter's reputational methodology was the most appropriate means of studying the dynamics of community power. Dahl offered a methodological rebuttal to Hunter's approach in the classic study *Who Governs?* [Dahl 1961]. Dahl used a decisional methodology. That is he studied

¹ Hunter began by identifying individuals within four groups that could be assumed to have power connections; business, government, civic associations, and "society" activities. Hunter then formed a panel of judges and asked them to rank the individuals within each group according to their reputation of power. From this list, Hunter generated a list of 40 individuals ranked as having the most power and

decision-making on three different policy questions to determine the most influential forces on the policy making process. The study also employed a number of data collection methods (historical survey, interviews, participant observation, quantitative analysis of voting, and census data, etc), to triangulate the data. The New Haven findings were the empirical foundation for Dahl's "pluralist" model of community power. More importantly for my purposes, the study pioneered the pluralist methodology for studying community power.

Polsby provides a more thorough theoretical justification of pluralist methodology in *Community Power and Political Theory* [Polsby 1963]. Polsby argues against categorical assumptions about the nature of power in community decision making. The complexity of urban decision-making and governance suggests that any understanding of community power would require an analysis of community decisions in a number of important policy areas. Polsby offers four methodological recommendations for researchers conducting community power studies. First, researchers should "pick issues areas as the focus of the study". Second, these issue areas should be selected based on their importance to the specific community. Third, the actual behavior of the participants in the policy issue area should be a central focus of the empirical analysis. And finally, researchers should study the outcomes, rather than the intentions of policy decisions on the community [Polsby 1963; 120] The debate over community power has been vigorous. However, the decisional methodology is

conducted in-depth interviews with each to determine the degree of influence they had over key community decisions.

frequently employed in the study of urban politics and policy making. Subsequent studies in this tradition have focused on explaining politics in specific policy arenas.

In *Regime Politics* Clarence Stone revisits Atlanta to further explore the question of community power [Stone 1989]. Stone's primary contribution has been the development of urban regime theory. Agreeing with the pluralists, Stone finds that complexity and fragmentation are key characteristics of the urban politics. However he specifically disagrees with Yates observation that the complexity of urban governance leads to dysfunctional hyperpluralism. Rather Stone argues that while complexity may make it difficult to establish lines of causality, some cities are able to govern decisively by developing stable, informal relationships with key partners.

Regime theory attempts to develop a theoretical framework for explaining the influence of the business community in urban politics. Stone depicts urban regimes as governing coalitions that are stable over time. Membership in a winning electoral coalition, does not necessarily assure access and influence within the dominant governing coalition. Stone argues that the complexity of urban governance and the constrained nature of government resources compel government actors to develop relationships with non-governmental actors who possess key resources to accomplish specific goals. Business has been central to governance in Atlanta because of the resources they can marshal to assist government efforts in achieving extra-ordinary goals. This he argues, suggests that a "social production" model of power - the ability to achieve specific goals - is a more accurate assessment of how business exercises community power than the "social control" model - the ability of A to make B do something she would not ordinarily do. Central to the social production model of

power, is the argument that informal relations between government and non-government actors are more revelatory of influence and power than formal institutions

Stone argues that the centrality of business to urban governance creates strong systemic socioeconomic incentives for elected officials to align their perspectives with business interests. For example, because of the centrality of business to urban economic health, elected officials will likely consider the impact of policy decisions on business without prompting or explicit lobbying from the business community. Further, rather than elected officials responding to the emergence of aggregated policy preferences from the citizenry, the imperatives of supporting the regime would compel elected officials to become actively involved in policy preference formation.

Reviewing both the institutional and the coalitional focused strands of research illustrates that each posits different theories for exploring a similar set of questions. Each strand of research seeks to identify those factors that best explain the political process, political decision making, policy outputs, and policy outcomes; and to employ the most accurate methodology for revealing and interpreting urban politics. These studies have focused on developing a broad theoretical and methodological framework for the study of urban politics. Other scholars have asked these same questions with respect to specific policy arenas, most frequently, economic development decisions. However few studies have considered the politics of police policy making. The following section will briefly review those studies.

Urban Politics and Policing

Only a few studies have looked at the intersection between city politics and police policy making. Two key studies evaluated how cities responded to crime. In a

longitudinal study of ten cities, Heinz, et.al. examined how these cities responded to increased crime [Heinz, et. al. 1983]. They found that most cities responded by increasing police budgets. Greater police fiscal resources however, did not translated into greater effectiveness in addressing crime. Much of this money was spent on better pay, more training, and the purchasing of technology. [Heinz, et. al 1983; Jacob and Lineberry 1982]. Little was done with regards to how the police did their job. This is partly due to the policy conundrum crime presents to local government. Crime is a difficult and complex problem and local actors possess few resources to resolve the problem. Yet public expectations that they will solve it are high. This sets in motion the cycle of the “politics of promise”. The politics of promise compels elected leaders to commit to resolving a critical issue. However the political gains garnered by promising a “solution” to the problem are often followed by the inevitable public disappointment when these promised outcomes are not met. [Heinz, et. al. 1983; Feely and Sarat 1980].

Scheingold examined how criminal justice institutions dealt with the problem of street crime. He asked whether concerns about street crime were politicized in one western city. [Scheingold 1984; 1991] He found that the most vitriolic and hyperbolic rhetoric around street crime occurred at the national and state levels and was virtually non-existent at the municipal level. At the local level the criminal justice process rather than street crime was politicized. Picking up on the “politics of promise” argument, he argued that this is largely due to the politically dangerous strategy of politicizing crime in local elections. Not only does politicizing crime run the risk of setting in motion the politics of promise cycle, it also can be an extremely politically divisive issue at the local level. He also found that structural fragmentation within the criminal justice

system frustrated the criminal justice policymaking process. Multiple jurisdictional boundaries and the fragmentation of criminal justice administration in a given city made it difficult to develop comprehensive and coordinated policies

With respects to police reform, he found that external political forces were the principal source of policy changes. For example, the exposure of corruption or high profile scandals, the growing political influence of minority groups specifically blacks, and to some extent national trends and funding streams, were more influential in directing policy change than internal sources. [Scheingold 1991; 114] Interestingly, street crime was not “an important determinant of police policy: the politicization of street crime did not impinge on department policymaking, nor was control of street crime a matter of intrinsic importance to police managers.” [Scheingold 1991; 114]. Scheingold attributes this to the prevailing police perspective that there is not much they can do beyond current practices that would have an effect on crime.

Given that these studies focuses on crime, there are important questions which remain unanswered. How does city government handle other police policy questions such as police accountability? Further, if external forces are the primary agents for change in police policy, do institutional arrangements affect the influence of these forces? In other words, to paraphrase Lineberry and Fowler, do certain institutional structures “filter” or minimize external demands?

James Q. Wilson, in his classic study of police behavior, is one of the few scholars who explored the relationship between police behavior, political culture and institutions [Wilson 1968]. Wilson argues that the important variables for determining police behavior were the police role emphasized in the city, (order maintenance or law

enforcement) and the primary source for defining that role (local or occupation-wide). From this he develops a typology of three ideal type models of police behavior. The "watchman" style, found primarily in cities led by politicians with working class/lower middle-class constituents and an emphasis on party and ethnic loyalty, emphasized informal order maintenance policing and granted a great deal of discretion to police officers. He found police officer were encouraged to "follow the path of least resistance" and to "be tough" on important stuff but "ignore the little stuff". Police in non-city manager cities were also more often caught in the middle of factional politics. The legalistic" style was found exclusively in highly reformed, professionalized cities. This style emphasizes formal hierarchical authority, specialization, technical efficiency and heightened law enforcement. The "service" style was found in racially homogeneous, predominantly middle-class cities. Because of the decentralized organizational structure and sensitivity to community needs, Wilson saw this style as most responsive to the community. In cities with this style of policing, "the police see their chief responsibility as protecting the common definition of public order against minor and occasional threats posed by unruly teenagers and outsiders" [Wilson 1968; 200].

Wilson did find a weak but informative relationship between institutional structure and police behavior. For example, machine cities were somewhat more likely to engage in "watchman" police style and he found the most "legalistic" police behavior in highly professionalized Council/Manager cities. However, he concludes that while political actors may have limited influence over police behavior, they may have significant influence over certain areas of police operations and policy (e.g. budget,

selection of police chief). Further he found community interest in police policy focused primarily on the areas of vice, street crime, citizen complaints and police chief selection. He argues that a more important determinant of police behavior is the city's dominant political culture.

He defines political culture as the "widely shared expectations as to how issues will be raised, governmental objectives determined, and power for their attainment assembled, it is an understanding of what makes a government legitimate" and can be inferred by the general behavior of political institutions [Wilson 1968; 233]. Wilson concedes that the prevailing "political culture" doesn't imply that "everyone in the community supports and approves of the ways things get done, it only suggests that most people would expect, for better or worse, things to be done that way." [Wilson 1968; 233]. Borrowing conceptual terminology developed by Chester Barnard, Wilson argues, that within any given political culture there is a "zone of indifference" which sets the informal boundaries of police operations in specific areas. For example in reformed cities, there may be a narrow zone in regards to activity which could be construed as "corrupt", and a much broader zone in respect to other police activities. "The political culture acts as a filter, different for each community, that screens out certain complaints and demands, leaving the chief free to ignore them or passes through (or even amplifies) others." [Wilson 1968; 234] However Wilson's definition of political culture and the relationship between political culture and police behavior, raise interesting questions.

Wilson's definition of political culture is somewhat tautological. Because of data limitations he presumes that the prevailing political culture can be determined by

institutional behavior and that institutional behavior is based on the prevailing political culture. However there is no discussion of how political culture is initially determined, by whom, and whether political culture is static or dynamic in relation to changes in the social and political environment. This shortfall is acutely apparent in his analysis of policing in biracial cities. As his study was conducted prior to the electoral and political changes initiated by the Voting Rights Act and affirmative action policies, minorities (specifically blacks) were essentially excluded from political and administrative institutions. By focusing uncritically on existing institutional actors and behavior, he presumes that the politically and institutionally dominant white community is the legitimate arbiter of the local political culture. Thus his analysis in ignoring this exclusion, seems to focus on how different "white" communities have dealt with the "problems" created by the presence of blacks in the polity, and fails to recognize the limited input blacks could have in determining how policing would be conducted in their communities.

Since the passage of the 1965 Voting Rights Act, ethnic and racial minorities, particularly African Americans have made a concerted effort to modify reform electoral schemes in order to increase group representation and implicitly, policy responsiveness. These efforts have led to another group of studies evaluating whether increased minority representation as affected police policy responsiveness

Saltzstein found that in aggregate, black mayors made a significant difference in increasing black police employment and the adoption of civilian review boards, however they had little impact on more substantive reforms. [Saltzstein 1989] However because this study used primarily quantitative measures, it does not provide substantive

information concerning policy outputs related to these changes. How important were institutional impediments in explaining the inability of newly elected black politicians to affect policy changes? Further Saltzstein did not disaggregate the data by institutional structure therefore we don't know whether institutional responses differed based on institutional design.

Browning, Marshall, and Tabb concur that representation alone will not result in responsiveness to minority interests [Browning, et. al 1984]. Their political incorporation model connects the responsiveness of local governments to minority interests, to the incorporation of blacks and Latinos into the dominant governing coalition. Browning, et.al., use the creation of civilian police review boards as one indicator of the positive effects of political incorporation. While their study found a relationship between the strength of minority incorporation and the creation of a police review boards, like Saltzstein, they did not evaluate either the development or the effectiveness of the boards. In fact, in a later study they concede that civilian review boards may have had little substantive effect on police policy or in addressing civilian complaints [Browning, et. al. 1990]

Several scholars have questioned whether political institutions or community demands can have a significant influence on policing. Many of these scholars have focused on police behavior, looking at the influence of different external, organizational and internal factors on officer behavior. In his study of "Laconia", Muir argues that individual attributes and attitudes towards the moral imperatives of police work are the primary determinant of officer behavior [Muir 1977]. Other scholars found that departmental culture played a significant role in shaping behavior [Talaricco et.al].

Brown argues that it is the contradictions of the dual internal authority structures (hierarchical and collegial) which most affects police behavior [Brown 1988].

Several studies have found that the policing philosophy and managerial style of the Police Chief is crucial to the character of departmental culture and subsequently, officer behavior. [Jackson 1979; Hunt and Magenau 1993] This finding concurs with the views of some of the country's more progressive police chiefs about the "mission" of the Police Chief within the department and the community at large [Bouza 1990; Murphy 1977]. Former New York Police Commissioner, Patrick Murphy described the role of the Police Chief as "something akin to a secular pastor. [A chief] can be viewed not only as the community's chief law enforcement officer but also as the custodian of the community's morals...the police chief becomes the focal point not only of a community's sense of physical security but even of its spiritual well-being" Murphy 1977 56-57]. Thus in this scenario, the Chief is responsible for setting the moral tone within the department concerning appropriate police behavior and representing the moral legitimacy of the government within the community.

Overall, these studies while illustrating important dimensions of policing and urban politics, do not provide much information on police policy making specifically. What are the key characteristics of police policy making? Who are the major players? What factors are most important for explaining the policy process and policy outputs? A number of any organization's policies emanate from administrative rules rather than the legislative policy-making process. However in those instances in which actors external to the police department attempt to effect change, what influence does structure have on either facilitating or impeding those efforts? If as Scheingold found, external factors are

the most important impetus for police policy changes, how are these external forces handled by differing institutional arrangements? Does government act as a neutral arbiter of these external forces or, are they active participants in shaping citizens preferences? As concerns about governmental responsiveness and bureaucratic autonomy at the local level are becoming increasingly politicized these will be important questions to address.

The above review illustrates that there are currently gaps in the literature regarding our understanding of urban politics and policy making. One, there are few studies which evaluate the impact of institutional structure on the policymaking process. Minority groups lament the limited policy payoff resulting from political incorporation. Can this be attributed to constraints imposed by the structure of city government? Only studies that include institutional structure as a variable for explaining the policy making process can begin to answer this question. A more thorough understanding of the interplay between formal institutional structure and informal alliances in shaping policy making is needed in order to discern the factors which either diminish or enhance efforts to forward policy changes. Given that the legitimacy of public decisions is based on the legitimacy of the governing process, a better understanding of the way in which institutional arrangements and/or informal relations shape the process of democratic governance is essential for evaluating and critiquing policy outputs.

Second, because there is little research on social regulatory/social justice policy making at the local level, it is unclear whether mainstream urban theories are applicable to these issues. Third, few studies on policing and urban politics examine the processes by which police policies are made. This is particularly critical given the importance of

policing to urban politics and the historical record of police "reform" efforts; a history which illustrates that police organizations are extremely resistant to change. Examining these processes from an institutional perspective is critical given the role of institutional reform in the history of American policing and police reform. The following section discusses the centrality of institutional structure to municipal reform and to police reform specifically.

Policing, Institutional Reform, and Urban Politics

The nature of the police function is an important factor in setting police policy making apart from other urban policy arenas. From its earliest conception, domestic policing in the U.S. has been immersed in controversy. Some scholars mark the urban riots of the mid 19th century as the impetus for the first organized domestic police forces [Lane 1967]. Others claim policing began much earlier with the advent of southern slave patrols [Williams and Murphy 1995]. Whether policing began as a tool to manage conflict in over crowded northern cities or as adjuncts to the system of racial slavery in the south, the rationale of policing - preserving social order and imposing social control - remains the same.

Formally, the function of domestic policing in democratic societies is cross-nationally consistent. Domestic police are a given society's authorized agent for the use of force against itself [Bayley 1985]. How this function is conceptualized and operationalized varies significantly across polities and is reflective of the overall character of public governance. Given the most recent wave of concern about crime, it bears notice that "crime-fighting" is only one facet of the policing function. True, at its most formalistic expression, the police are responsible for distinguishing and separating

the "lawless" from the law-abiding, however policing has always entailed more than the impersonal enforcement of law.

More importantly the police are concerned with the protection and preservation of social order. In essence, the policing function is to determine which behaviors are "disorderly" or out of the bounds of civil society and to set in motion the processes by which alleged transgressors will be punished. Identifying behavior that violates the social order is sometimes quite clear. We all agree that murder, rape, and child molestation are egregious transgressions which should be punished. However sometimes what constitutes "disorderly" behavior, can be ambiguous, vague, and highly subjective. Further, whose conception of order are the police sworn to uphold? Police rely on societal cues, legal rules, organizational norms and practices, situational specificities and individual predilections in shaping their street-level police behavior. Police scholar Jerome Skolnick defines the police as "a social organization created and sustained by political processes to enforce dominant conceptions of public order". [Skolnick 1988]. In other words, as socially embedded actors sworn to uphold status quo conceptions of order, police behavior in some respects, reflects societal preferences and biases.

The legitimacy of the policing function within a democratic society is inextricably linked to assurances that police officers carry out their duties within the boundaries of the law. Policing within the principles of legality or "rule of law" obligates the police to minimize arbitrariness and adhere to the mechanisms of due process. [Skolnick 1966]. Essentially, policing under the rule of law necessitates that the principle of order be subordinated to the "ideal of legality". As Skolnick writes,

“... 'law' and 'order' are frequently found to be in opposition, because law implies rational restraint on the rules and procedures utilized to achieve order. Order under law, therefore, subordinates the ideal of conformity to the ideal of legality” [Skolnick 1966; 9]

Also fundamental to policing democratic societies is the requirement that the "public" consent to the order making and maintenance function of the police. Unlike many established democracies, the U.S. does not have a significant national presence in policing. Rather, policing in the U.S. is highly fragmented and locally controlled. Thus any analysis of how the democratic principle of "policing by consent" operates in the U.S. necessitates the study of local institutions. Further, how public consent is determined and by what processes, are also political questions best answered at the local level.

This tension between the status quo maintenance function of policing and the categorical exclusion of some groups (specifically minorities) from civil protections and civic participation has been central to the conflicts over establishing democratic control over the police. As minorities have been denied legal and political rights for the majority of this country's history, the police treatment of minorities has reflected their precarious and subordinate status. As Williams and Murphy write, the history of legalized discrimination continues to effect contemporary police/minority relationships.

"The fact that the legal order not only countenanced but sustained slavery, segregation and discrimination for most of our nation's history - and the fact that the police were bound to uphold that order - set a pattern for police behavior and attitudes towards minority communities that has persisted until the present day" [Williams and Murphy 1995; 30]

In contemporary times, police treatment of the socially marginal in general and minorities specifically has been much more closely scrutinized. Higher public

expectations regarding fair and just police practices have raised the bar on police behavior. Further, as racial and ethnic minorities have gained power in local government, establishing formal, fair, and trustworthy police accountability has been a primary political directive. Consequently, problems with police practices can induce crisis at the local level and in many instances has been a major contributor to the downfall of big city mayors.

To some degree, police "reform" has been a municipal agenda item since the inception of the police. Many of these "reform" measures however emphasized changes in legal or administrative rules rather than changes in the overall relationship between the police, the public and political institutions. There have been few comprehensive reform movement which attempt to redefine these relationships. Comprehensive reform refers to efforts at structurally altering the institutional relationship between the police, city political bodies, and the public. Comprehensive reform efforts do not advocate narrowly defined "tactical" solutions, but rather indicate a shift in policing philosophy - the way we think about the police role, the way police services are delivered, and the methods by which we hold them accountable. American policing has operated under two distinct comprehensive policing philosophies, The "traditional" era and the "professional" era. The third shift in policing philosophy, is currently in full swing as hundreds of police departments across the country move to implement "community" policing.

Perhaps more so than other municipal bureaucracies, the debate about the proper relationship between the police, the public and municipal politics mirrors the debates about the most appropriate forms of municipal governance. Each municipal

reform movement suggests a particular relationship between municipal administration, political leadership, and the public. Further, each era of municipal governance pursued specific institutional arrangements in order to facilitate these relationships and divisions of power. In many respects then, looking at the history of comprehensive reform movements in policing is illustrative of broader changes in the philosophy of municipal governance and democratic accountability as a whole.

Traditional Era

In the last half of the 19th century, massive immigration and industrialization caused urban populations in the U.S. to increase by nearly 600%. [Harrigan 1993] Urban governments during this period provided a meager amount of social services and possessed only rudimentary form of bureaucratic administration. They were ill-equipped to accommodate the arrival of record numbers of European immigrants in northern industrial cities. Political machines based on partisan and ethnic affiliation negotiated the social, political, and economic environment on behalf of these immigrant constituents and in return was virtually guaranteed unrestrained political power. The machines used parties as the primary tool for aggregating citizen demands and saw city government as a vehicle for manipulating public resources in order to benefit both party loyalists and machine leadership. The operating philosophy of government was the distribution of divisible benefits and services based on partisan or ethnic affiliation and loyalty. [Erie 1988; Fogelson 1977]

Under this philosophy of government, the new police forces became central cogs in the political machines [Walker 1977]. The police department provided employment to party loyalists, served as the coercive arm of the political machines, and turned a

disinterested eye to machine sanctioned illegal activities. Thus much like the character of municipal governance, police services in this era were particularistic and arbitrary.

Progressivism and Professionalization

Disturbed by the corruption, partisanship, and ethnic particularism of the machines, local business men and other upper-class elites began to organize against the machines under the aegis of Progressivism. The Progressive reformers consisted of two parallel groups. The social reformers were concerned with assimilating and “Americanizing” new ethnic groups through moral and social education. The structural reformers wanted to institutionalize a public-regarding, middle-class political ethos in municipal politics through the implementation of scientific principles of management and centralized forms of governance. The structural reformers believed that the “dispassionate” middle and upper-middle classes were more legitimate arbiters of the “public good” and took steps to limit the political influence of new ethnic groups by attacking the political machines. Attacking the power bases of the parties was a key strategy for disabling the machines. The reformers also created structural methods for dissipating the power of machine politicians. The major reform structural changes included:

- Strengthening of the executive over the council. Whether that be through a strong mayor or a professional administrator such as a city manager.
- Increasing bureaucratic autonomy by creating institutional means for insulating bureaucracies from external influences
- Institutionalizing civil service rules and protections in order to eliminate patronage

- Undermining the partisan elements of municipal politics by instituting, non-partisan elections, short ballots, open primaries, and at-large electoral schemes
- Creation of direct democracy measures such as the referenda, recall, and initiative
- Creating institutional structures that support a public-regarding or unitary political culture over a private-regarding or particularistic culture.

Fogelson sees the history of police reform as central to the story of both social and structural Progressivism in America because "it reflects the struggle between Progressive elites and the political machines or between the upper-middle class and upper class native Americans and the lower- and lower-middle class first and second generation newcomers" [Fogelson 1977; 12]. The struggle between the Progressives and the machines over the control of the police revolved around two key principles. First, police employment was a major source of patronage for the machines. Reformers opposed both the favoritism of the patronage system as well as the use of public employment as a means of obtaining group social and economic mobility. Secondly, the decentralized nature of ward politics combined with the patronage system, made for an "unholy alliance" between ward politicians and the police. The direct linkage between ward politics and the police fostered a climate in which police corruption was pervasive [Fogelson 1977; Walker 1977]. Further decentralized authority over police practices, gave ward politicians considerable influence over law enforcement and police discretion in their wards, particularly concerning the enforcement of vice laws. "In other words" states Fogelson, "those who controlled the police had the opportunity to implement a policy about vice consistent with the prevailing life-style and underlying morality of

their constituents"[Fogelson 1977; 21]. Detaching and insulating the police from machine politics was central to the reformers' objectives of restricting ethnic mobility through public employment and enforcing a universal moral standard. In essence Fogelson argues, the struggle over who "controls" the police, could be seen as a struggle over competing civic principles concerning political and cultural legitimacy, and acceptable avenues of social mobility.

The reformers proposed increased bureaucratization and specialization as a way of improving municipal service delivery. In policing, progressive reforms led to the narrowing of the police role to crime fighting and separating the police from politics and other service delivery bureaucracies. Further, the move to the quasi-military hierarchical organization common to all American police departments began during this era.

Progressive successes were spotty, particularly in those cities with entrenched political machines. The Progressive reformers were much more successful in shaping state and local political institutions in the west. In California for example, Progressive reformers were able to capture the Governor's office early in the century and institutionalize reforms as part of the city incorporation process. The work of the Progressives in police reform was expanded and solidified with the professionalization movement.

The professional model of policing became popular among law enforcement elites in the 1930's and 1940's. Although only tangentially related to the progressive reform era, in many respects the professionalization model epitomizes the impersonal, efficient, and equitable police practices advocated by the Progressives. The

professionalization movement sought to further insulate police from political control and external constituencies, upgrade the status of big city police, and ensure equitable, efficient and pro-active law enforcement through increased bureaucratization and centralization [Fogelson 1977].

The movement advocated significant alterations in the organizational structure of the police. Professionalized police departments were more bureaucratized, centralized, specialized, and hierarchical than their "traditional" policing predecessor. The proliferation of specialized units opened up opportunities for advancement and expertise for rank and file officers. Further, officer salaries and benefits were progressively upgraded, as were the criteria for becoming an officer in order to attract and retain the "best men". Professionalization advocates viewed the rank and file as "clay to mold" and the prevailing rationale in selecting superior police recruits was their malleability for police training [Walker, 1977; 136].

Professionalization advocates pushed for maximum departmental autonomy in order to insulate the department from any possible political influence. Thus police chiefs were placed under the purview of city managers, commissions and administrators rather than mayors or city councils to maximize political autonomy. At its most extreme, as in Los Angeles, this included charter provisions that virtually ensured the chief of lifetime tenure.

Insulating officers and the department from interactions with the public was also a key tenet. This was encouraged through organizational means, such as frequent patrol rotations, rules against local residency, and was transmitted through official departmental philosophy. As one officer recently told me "we were explicitly instructed

not to fraternize with civilians" [OI SD 1995]

Professionalization advocates also promoted a narrower law enforcement mission focusing on crime control through rapid response and pro-active patrol. In those states in which the Progressives had been particularly successful in institutionalizing reforms at both the state and local levels, professionalization became the standard model of policing.

Michael Brown argues that "the police more than many other municipal agencies have probably had greater success in achieving the bureaucratic autonomy that is implicit in reform" [Brown, 1988; xiv]. Thus the governing philosophy of the Progressives and its structural manifestation appears to have reached its furthest expression with the institutionalization of police professionalism.

Although policing in a racially and economically stratified society is difficult, regardless of the organizational ethos and structure of the police, differences in institutional structure and organizational philosophy significantly affect departmental responses to changes in the demographic and political environment in which they operate. The impersonal, insulated, crime-control emphasis of the professional model has led to particularly invidious policing in racially and ethnically diverse cities.

While professionalization has "fostered the illusion of control over police discretion...in fact it has resulted in greater autonomy for the police" [Brown 1988; 290]. This is largely due to the faulty logic at the core of professionalization movement concerning appropriate channels of authority and accountability. In insulating the organization from virtually all avenues of external accountability and input, highly professionalized organizations turned inward and developed two contradictory sources

of authority. On the one hand, there is a "system of control derived from professionalism based on the legitimacy of hierarchical authority" [Brown 1988; 286]. Because of the emphasis on vertical lines of authority and organizational autonomy, in a highly professionalized department the chief is the final if not only "legitimate" authority over the department. On the other hand, the increased isolation associated with professionalization facilitated the development of a competing authority structure "rooted in the police culture and dependent upon widely shared group norms for its legitimacy...This conflict between the values of professionalism and the police culture is at the root of the structural contradictions of police bureaucracies" [Brown 1988; 286].

While in theory, professionalization "controls" police discretion through the authority of the chain of command, in practice the areas amenable to formal organizational control are limited. As with most "street-level bureaucrats", police officers have wide latitude for discretionary decision making [Lipsky 1980]. Further, because of its pro-active, impersonal, law-enforcement emphasis, the professional model sharpened the cleavage between the police and the public aggravating existing police/community animosities. The resulting organizational insularity facilitated the development of an internal organizational culture whose sources of legitimacy and authority were largely outside the bounds of either organizational or external control.

The political and social fallout attributed to the shortcomings of the professionalization movement are evident in the history of combative relationship between the police and the African-American community in cities with highly professionalized departments. In the 1960's and 1970's, tensions between the police and the black community were the impetus for organized political action and spontaneous

violent episodes in cities across the nation. While the professionalization movement eliminated the worst forms of corruption, improved service delivery to many residents, and enhanced the status of big city police, it also desensitized the police to the political community and the public it *should* serve. While there are many "publics" within a polity, which public the police serves is largely a political question. This is a key point for Williams and Murphy. They argue that political empowerment and legal equality are critical precursor to responsive police services. They write:

"As dramatic as this change [from political to professional accountability] must have appeared to the white middle-class inhabitant, the transition to the reform era was barely noticeable to blacks and other minorities. Relying on law rather than politics as the source of police authority had many desirable aspects for those provided with the full protection of the law. Once again however, for those who lacked both political power and equal protection under the law, such a transformation could have little significance" [Williams and Murphy 1995; 44]

While Williams and Murphy's point certainly rings true, it does not explain why minority demands for better police protection and less police harassment peaked in the 1960's. If police practices towards blacks had changed little in the transition from partisan to legal/organizational accountability, why did animosity towards the police grow with increased professionalization? Changes in public expectations and the intensity of minority demands were as important as police organizational philosophy in elevating concern about police practices in minority communities. The civil rights movement and subsequent political actions elevated the concern of black Americans in public discourse. The success and participatory emphasis of the civil rights movement energized minority communities to push for more representative, responsive, and responsible public services - including police services.

Two other developments lead to an overall increase in citizen demands for police services. First, the crime rate rose precipitously in the sixties and demand for police protection grew. However technological advances were also a critical factor in explaining increased citizen demands for police services. Radio communication, auto patrolling and the creation of the 911 emergency system heightened public expectations of rapid response from the police. When first introduced, the 911 system was heavily advertised as the quickest, most efficient means of contacting the police 24 hours a day. Many departments like Oakland, publicly advertised their commitment to respond to every 911 call. Subsequently, 911 calls to the police have grown exponentially. These service requests range from serious crimes in progress to non-emergency service calls. For example, during one ride along, the officer I observed responded to the following calls - drug deal in progress, abandoned car, missing persons report, loud music, possible burglary in progress, domestic violence. In large cities most patrol officers spend their shifts responding to 911 calls of varying severity. In some cities the 911 system has periodically broken down under the onslaught of calls for service.

Coming into the 80's, several factors brought police services under increasing public scrutiny. The series of urban conflicts and uprisings of the sixties badly tarnished the well-polished veneer of police professionalization and lead to the call for "community control" of the police from many minority activists. Rising crime rates and public concerns about crime (particularly drug-related crimes) and victimization have energized a broad-base of constituencies regarding the development of more effective policing practices. Further, a number of parallel trends (withdrawal of federal funds, property tax revolt, increased suburbanization of middle class and high concentrations

of the poor) have had a deleterious effect on central cities. Increasingly community policing has been embraced as a principal response to a myriad of urban ills.

Community

Community policing is a broad and ambiguous term used in a variety of different contexts. Underlying the multiple usages of the term “community policing” is a relatively coherent philosophy. The community policing philosophy assumes that isolationism is the central problem with urban policing. Isolation from the citizenry particularly, but also from political leadership and other service delivery agencies, has led to poor relationships with communities and a decline in police effectiveness. Rhetorically then, community policing attempts to increase the lines of communication and flow of information between police departments and these external actors by facilitating consultative, cooperative, or collaborative partnerships. This philosophy is reflected in the discussion of how community policing will affect change from the smallest unit (individual police behavior) to the systemic level (the organization of service delivery systems) in police service delivery.

From the perspective of individual officer behavior, the implementation of community policing would represent a significant change in the relationship between individual officers and the public. The impersonal and removed style of policing advocated under professionalism is inconsistent with the cooperative and collaborative principles of community policing. Individual officers should “know” the communities in which they serve and vice versa. Creating formal and informal collaborative partnerships between officers and communities implies a substantially degree of direct accountability to communities. Officers held directly accountable to communities, it is

argued will behave differently than officers for whom organizational avenues are the predominant sources of accountability.

The philosophy of community policing also is reflected in the types of strategies deemed to be community policing. Importantly the community policing strategies are not necessarily inconsistent with law enforcement or professional policing strategies. Rather, the fundamental difference between a community policing vs. a law enforcement strategy, is the role of the “community” in the decision to employ a certain strategy. The community policing philosophy is rather ambiguous on the concept of community and the nature of the relationship between police and communities. The vagueness of the community policing philosophy in this regard is often seen as a positive. Because there are no set rules regarding what communities are or what community interactions should be, the relationship is open to interpretation and clarification in each particular case. Thus “communities” may be defined as neighborhood groups, ethnic groups, or in some instances, one or two determined individuals. [Sadd and Grinc 1994]. How community input will be elicited also is relatively vague. “Working” with communities can range from notification of community of police actions, to serving as the eyes and ears of the police, to citizens working in partnership with the police in efforts aimed at self-policing. Importantly, some form (symbolic or substantive) of community legitimizing of police activity is the basis for naming a given policing strategy as community policing.

Community policing also implies key changes in police organizations. Building direct relationships with external actors is difficult in a highly centralized organization. Some form of organizational decentralization is part of the community policing

philosophy. Thus community policing advocates a decentralization of command and an increased emphasis on innovation and input from the bottom up.

Finally, community policing philosophy suggests that changes in municipal service delivery systems are necessary. Thus formal and informal relationships which facilitate interagency coordination are often advocated. In many instances, community oriented policing is seen as a precursor to community oriented government [Wilms 1998].

Although this shift is in the early stages, it appears that this police reform is also guided by a philosophy of municipal governance. The “re-inventing” government trend seems to be the underlying rationale for many of the tenets of community-oriented policing. This philosophy emphasizes several key principles:

- “Customer” satisfaction - particularly in regards to simplifying access to government services. This philosophy argues that current municipal bureaucracies are not responsive to the citizenry or “customer”, largely because bureaucracies emphasize standardization and autonomy over responsiveness and access. Service provision should be based on meeting “customer” needs rather than bureaucratic goals.
- “Entrepreneurial” or innovative solutions rather than “bureaucratic solutions” Re-inventing government advocates question the public proprietary nature of bureaucratic policies and the functional rationales for municipal bureaucracies. They encourage cities to look outside the existing structures and public remedies for formulating policy. For example greater inter-agency cooperation and coordination for better

service delivery is often suggested.

- An emphasis on moving decision-making on neighborhood specific issues downward. Also, although this is more a perceptual observation than an empirical one, a simultaneous development to clarify lines of accountability and move major city-wide decisions up, through strong mayor initiatives for example.
- Government as co-producers not sole producers of services. The reinventing government philosophy suggests that government work in partnership with the private sector and communities to produce urban services which previously had been primarily in the public domain.

In many respects, the reinventing government movement represents an effort to reconstruct citizen demands and reconfigure institutional arrangements. The philosophy of community policing is reflective of the guiding principles of reinventing government

POLICING ERA	ACCOUNTABILITY MECHANISM	INSTITUTIONAL ARRANGEMENTS
Traditional	Party bosses, and ward politicians	Decentralized electoral system, partisan elections, patronage, minimal admin. centralization
Professional	Administrative oversight, bureaucratic autonomy and hierarchical lines of authority, emphasis on legal rules	Centralized electoral systems, non-partisan elections, civil service, bureaucratic centralization and specialization
Community	Direct accountability to "communities", police bureaucracy through line managers, and legal rules	Mixed electoral systems. Interagency/ priv. sector collaboration? decentralized service delivery systems?

To summarize, policing has historically been at the center of municipal institutional reform. As philosophies of governance and accountability have evolved so has the guiding philosophy of policing and the methods by which we hold them accountable. These eras give a broad sweep of police reform and the parallel developments in institutional setting.

Very little is written on the actual process of police "reform" and policy making. Much of the police literature focuses on the police as individuals or as an organization, thus there are numerous studies on police discretion, behavior, organizational culture, etc. Given the discretionary nature of police work, the individual/organizational bias in police research is an understandable avenue of research. However, in part this bias may reflect the degree of autonomy achieved under the professional model of policing. In other words, perhaps the emphasis on the organizational aspects of police work reflects the success of professional reformers in isolating policing from the influence of

municipal political institutions and differentiating police work from that of other service delivery bureaucracies. As cities take strides to bring highly professionalized police departments under greater democratic control and into the overall service delivery system, the mechanics and politics of this process is a fruitful avenue for urban research.

Community policing as a philosophy suggests significant changes in policing philosophy and the delivery of police services. While there is a growing body of literature in community policing, which look at the development and implementation of community policing.[Skolnick and Bayley 1986, 1988; Skogan 1990; Wycoff and Skogan, Greene and Mastrofski 1988; Friedmann 1992; Trojanowicz 1985, 1985a, 1987, 1990; Goldstein 1990]. There is little written on developing and implementing community policing within the context of existing municipal institutions. For example, if the prevailing professional model of policing is supported by current institutional arrangements, what affect does this have on efforts to implement community policing, a model which directly questions the primary precepts of professionalism? Comparative analyses of the process and politics of adopting community policing can help answer this question.

This chapter illustrates that to date urban research has not addressed certain types of urban policy making. Specifically there has been very little research on the intersection between local politics and policing and even less on social regulatory/social justice policy issues in general, at the urban level. The research conducted for this dissertation asks: *How important is institutional structure in the process and politics of police policy making? What factors best explain the character of politics on police*

policy issues. In answering these questions, this study is a small step towards investigating the politics of urban social regulatory/social justice policy making by focusing on one critical area – police policy making.

Chapter 2
SEATTLE AND OAKLAND
Case Overview

This dissertation aims to describe and analyze the police policy making process in two cities. A central hypotheses of this study is that differences in institutional structure affect policy making and policy outputs. To test this hypothesis, I conducted in-depth case studies of the police policy making process in two cities, Seattle, Washington and Oakland, California. This chapter will begin by discussing the prevalence of different municipal institutional structures in American cities. This section demonstrates that in most regards, Seattle and Oakland institutions are quite similar to cities that share the same institutional design. The prevalence of institutional “hybrids” suggests that current categorizations of institutional structure have limited descriptive or explanatory value. Seattle’s at-large council electoral system does make it somewhat unique for a larger city, however this institutional variation is particularly useful for this study. I will then discuss other important similarities and dissimilarities and finally, explain why these two cities were chosen.

At the turn of the century, municipal institutions in major American cities were primarily variations on the eastern machine model. Banfield and Wilson describe a political machines as “a party organization that depends crucially upon inducements that are specific and material.” [Banfield and Wilson 1963] In other words, machines

were in the business of distributing the divisible and tangible resources of the city based on partisan and ethnic loyalty. As this definition implies, the criteria for distributing these resources were arbitrary, inherently inequitable, and often times corrupt. Further, Banfield and Wilson argue that the machines were primarily apolitical as they were concerned with the products of politics rather supporting specific political ideologies or principles [Banfield and Wilson 1963].

The Progressive movement sought to break the political stranglehold of the machines. To achieve this end, structural reformers attacked the power bases of the machines in the late 19th and early 20th century. The Progressives emphasized the elimination of particularism, preference, corruption, and inefficiency through a number of changes in municipal institutional structure.

Although in most U.S. cities, Progressive politicians were only moderately successful in retaining political office, Progressives were extremely successful in instituting municipal structural changes. In 1916 the National Municipal League, a major proponent of municipal reform, published the “Model City Charter”. This document served as a blueprint for designing municipal institutions in accordance with reform principles. Many small cities adopted the model charter almost in its entirety [Banfield and Wilson 1963]. Most large cities adopted the model charter proposals more selectively. More over, to varying degrees most every city charter in the U.S. exhibits vestiges of Progressive reforms. For example, to my knowledge nearly every major American city has institutionalized civil service hiring procedures for many classes of city employment. Despite the widespread institutionalization of many reform initiatives, many American cities remained largely “unreformed”, that is retaining many

of the characteristics of machine run cities. The distinct between these two types of city institutional structures is still widely used, as typically cities are often referred to as having either “reformed” or “unreformed” institutions.

Of those cities that are incorporated and governed by a city charter, most have either a Mayor/Council or Council/Manager form of government, and a few have a Commission system of government. Mayor/Council systems can be either reformed or unreformed. Both Council/Manager and Commission systems are reformed institutional arrangements.

The Commission form of government became popular in the early part of this century. Currently only 3% of all American cities use this form of government [Harrigan 1993]. In the commission form of government, council members (commissioners) are elected by the full electorate, usually on an at-large basis, and serve as both legislators and administrators. Each commissioner serves as the head of one of the city’s bureaucracies. In a typical commission system, there is no Mayor. This system has fallen out of favor largely due to the difficulty of coordinating policy, determining budgetary allocations and managing political conflict with out a central authority. [Harrigan 1993]

In Mayor/Council forms of government, the Mayor is the key executive and is elected by the full electorate. Councils in the Mayor/Council form can be elected either on an at-large basis or on a geographically determined district or ward based system. A reformed Mayor/Council system would more likely have at-large council elections, however this is not always the case. The distribution of authority and power between the Mayor and the Council under the Mayor/Council system varies significantly across

cities. In some instances the Mayor is formally quite strong in relation to the Council in the areas of administrative oversight, budgets, agenda setting, and appointments. In others the Mayor may be weak, and in yet another scenario the Mayor and the Council may hold significant powers vis-a-vis each other. The electoral system for electing city council members (at large vs. district) and the strength of the mayor (weak vs. strong) have been associated with reformed vs. unreformed institutions respectively. Again, however, these features are not always an appropriate means for categorizing a specific cities institutions as either “reformed” or “unreformed”, because of the high number of hybrid institutional structures.

In the Council/Manager form, there is a clear institutional division between political and administrative actors. The council is the key political decision making institution. They in turn appoint the city’s administrative executive, the city manager, who serves at the pleasure of the council. Councils in the “textbook” version of Council/Manager governments are elected at-large. However, greater minority political incorporation into city politics has led most major American cities to move to district-based electoral schemes. The mayor in most Council/Manager systems is structurally weak. In some instances the office of the mayor rotates among council members. In others the mayor is elected directly by the citizenry in a general election. In traditional Council/Manager cities, the mayor’s role is primarily ceremonial. However mayors may be able to overcome the structural weaknesses of the office by focusing on consensus-building, or using the power of the “bully pulpit” to shape public opinion and policy.

Of the 100 largest cities in the U.S. in 1996, 53 had a Mayor/Council form of government and 44 were governed by Council/Manager institutional structures (3 had a

Commission form of Government). [ICMA 1996] Size and region seem to be significant factors in determining which form of government is employed. Of the 24 cities with populations over 500,000, only 5 had a Council/Manager form of government. All five of these cities (San Jose, San Diego, Phoenix, San Antonio, and Dallas) are sunbelt cities. Of cities with less than 500,000 population, 34 had Mayor/Council and 26 had Council/Manager forms of government. Of the 44 Council/Manager systems in the 100 largest cities, 61% are in the Southwestern states of Arizona, Texas, California, Colorado, and Nevada.

Given recent demographic and geographic population trends, this data raises interesting questions regarding western municipal structures. Population trends indicate that the majority of growth in the U.S. is occurring in western and sunbelt states. While much of this growth may be attributed to internal interstate migration, external immigration is also a major contributor [INS 1996].

Progressive-inspired Council/Manager forms of government govern a majority of western cities. As discussed in Chapter 1, these institutional arrangements were largely instituted to increase efficiency and institutionalize a upper/middle class political ethos into municipal politics. As minorities have been increasingly incorporated into political life in Western cities, progressive institutional norms and structures have come into question. The move from at-large to district-based councilmanic elections is largely attributed to minority political demands for more responsive and representative government. As western states and cities become increasingly majority/minority, it remains to be seen whether the existing institutional arrangements can effectively govern. For these reasons, studying the effects of

institutional structure on policy and politics in western cities is a particularly critical avenue for urban research.

(See Figure 1)

Mayoral power varies across cities. Figure 1 lists the executive powers of both mayors and managers in the top 10 cities in the nation, plus Seattle and Oakland.¹ As illustrated in Figure 1, all of the Mayor/Council cities granted the mayor the general veto. It is less clear whether mayors can employ the line item veto. Also all mayors in the Mayor/Council cities were either by charter or custom, responsible for preparing the budget. Only one city structurally allows the mayor to appoint and remove department heads without council approval (New York). In other Mayor/Council cities the mayor must obtain Council approval on department head appointments.

The manager's structurally designated powers reflect the administrative focus of the office. As city managers are nominally not involved in politics or policy making decisions, no city granted a manager veto powers. Further, most city councils retain budget preparatory powers. Councils however must rely on city staff for budgetary information and city managers have almost exclusive access to city staff. As Figure 1 illustrates, city managers enjoy significant power in the appointment of department heads. Most cities do not structurally require managers to confer with the council on department head appointments and removals, although in many instances politically savvy managers will do so. Further, many cities have charter provisions that closely regulate or even prohibit direct interactions between elected officials and city staff.

These statistics suggest that city manager act solely as administrative heads. However as policy-making is frequently considered part of the political process, the city manager can often be a key political figure. One study found that city manager's exhibit political leadership in three ways: Through policy initiation; by the perception among council members and the public that the City Manager is a political leader; and by aligning him/her self with the dominant faction on the council. [Kammerer 1992]

Electoral Systems

Of the ten largest U.S. cities, only 2 (Dallas and Detroit) elect all members of the city council on an at-large basis. 2 cities have mixed systems with both district based and at-large council seats. The other six cities have district or ward based councils. [McCarthy and Erie 1998]. The predominance of district-based council seats is also true of major cities in California. Of the ten major cities in California only one, San Francisco, elects council members on a at-large basis and San Francisco has volleyed back and forth on the issue of district vs. at-large electoral systems for over a decade. Two cities, San Diego and Oakland, have district based councilmanic elections and one at-large seat. The other seven cities elect representatives strictly on a district basis. Except for San Francisco and Los Angeles, the 10 largest cities in California have Council/Manager forms of government. [McCarthy and Erie 1998]

Measuring Institutional Hybridity

Oakland and Seattle are both considered to have "reformed" institutional structures". Oakland has a Council/Manager system, however in 1979 the city moved to a district based electoral system. Seattle operates under a Mayor/Council electoral system. Seattle has retained at-large councilmanic elections, however the city has

institutionalized a system of neighborhood-based councils. The neighborhood councils originally served as citizen access points for city services. Gradually the city has used the councils to incorporate citizens into more substantive policy decisions affecting their neighborhoods. The above data illustrates that Seattle and Oakland are quite typical of other Mayor/Council and Council/Manager systems. As in many other large American cities, both cities could be more aptly described as institutional “hybrids”, that is, they vary significantly from the model upon which the city’s institutions were originally based. This is particularly the case among “reform” cities, as there are few large cities governed under this system that reflect the “ideal type” characteristics associated with reformed models of government.

Seattle’s at-large councilmanic electoral system does make it somewhat unique among larger American cities, however this is a significant advantage for the purposes of my study. As one of the few major American cities with at-large council seats, studying Seattle offers an opportunity to observe whether differences in electoral systems has an effect on policy making.

Given the high degree of institutional hybridity, it is unlikely that the current categorizations of institutional structures are useful for either descriptive or explanatory purposes. In other words, the degree of variation across Council/Manager systems for example, means the label “Council/Manager” may not be a reliable method of assessing whether a given city has certain institutional features. A more useful method of evaluating the affects of formal structure is to evaluate the affects of the constituent parts.

	<i>Reform Model: Council/Mgr.</i>	<i>Oakland</i>	<i>Reform Model: Strong Mayor</i>	<i>Seattle</i>
Executive	Admin.	Admin	Political	Political
Admin or Political				
Bureaucratic				
Autonomy				
Appt Dept Heads	Manager	Manager	Mayor	Mayor
Centralization	Centralized	Centralized	Centralized	Decentralized
Civil Service ‡	Civil Service	Mixed	Civil Service	Mixed
Total Employees		5,808		14,999
% Exempt		N/A		6%
% Civil Service		54%		14%
% Union		53%		52%
% Temp Workers		.05%*		34%**
# Mayoral appts		56		54
Electoral System				
Council seats	At-large	District	At-large	At-large
Partisan?	non-partisan	non-partisan	non-partisan	non-partisan
Direct Democracy	Yes	Yes	Yes	Yes
Recall, Initiative				
Referenda				
Political culture	Unitary	???	Unitary	???

Table 1

‡ Oakland Data from Office of Personnel; Seattle Data from Seattle Civil Service Commission

* Data does not include some categories of temporary workers (i.e. seasonal employees)

** Temporary Workers in Seattle are unionized

Table 1 compares the key characteristics of the Council/Manager and Strong Mayor reform model to the institutional features in Seattle and Oakland. This Table illustrates the specific dimensions on which each city varies from the "ideal-type" reform model upon which it was based. In doing so we can assess the degree of hybridity in each cities institutions

In both cities the means of managing citizen demands vary from the respective reform models. In Oakland, the district based council-manic seats geographically aggregate citizen electoral preferences, an electoral method which is typically not associated with Council/Manager systems. Seattle on the other hand, has retained the at-

large electoral system, but also has added an appreciable degree of bureaucratic decentralization . By providing more public access points, this institutional variation channels some citizen demands directly to the agency in question, thereby decreasing, to some degree bureaucratic standardization and theoretically, increasing responsiveness to the citizenry.

The composition of city employees is far more complex than is suggested in the reform models. Specifically, the high degree of municipal unionization is a significant variation from traditional civil service rules and protections. In Seattle it appears unionization has supplanted civil service as the primary means of managing employee relations. Seattle also has a large number of temporary workers. Even though these workers are unionized, the shift to temporary vs. permanent staff is likely a significant one.

Finally, the differences in how each city manages citizen demands suggests that there may not be a singular "political culture", at least as it is defined by Banfield and Wilson. For Banfield and Wilson the design of institutions is a key indicator of political culture. Since both of these cities have made meaningful changes in the methods of managing citizen demands, it suggests there may be a corresponding change in the cultural norms regarding how political decisions are made.

Similarities

Seattle and Oakland share many pertinent similarities. Primary similarities include a shared, though unique history of Progressive reformism, Central City status within their specified region, strong support for the Democratic party, and the

development of public policies in similar areas of policing within comparable time periods.

Reformism

Both cities have been significantly influenced by progressive reforms and are considered to have highly professionalized police departments. Due primarily to problems with corruption, Seattle changed its charter to a Mayor/Council form of government in 1938. The new scheme created a weak mayor and a relatively strong council. In his 1960 study of Seattle politics, Edward Banfield found that Seattle was officially governed by “a network of little administrative hierarchies, each with a council committee at its apex”. [Banfield 1965; 127] In order to have an affect on city politics, mayors had to choose “between fighting the council and getting nothing done and playing second fiddle to it and getting little done”. [Banfield 1965; 127]

Although the Council was strong vis-a-vis the Mayor, over all the government was considered a weak, caretaker regime. Along with a weak mayor, which Banfield argued deterred good candidates from running for office, the city charter dispersed authority broadly, making it unlikely that any institution could actively govern. The dispersal of authority and limited government action led Banfield to ask whether any one was in charge of the city? [Banfield 1965] According to Banfield , ad-hoc citizen committees and associations filled the leadership vacuum and became primary players in the governing process.

City politics was also significantly influenced by an informal business organization known as the “Big Ten”. The “Big Ten” consisted of representatives from influential local businesses like downtown financiers, real estate investors, and

industrialists. According to one Seattle informant, getting the support of a majority of the “Big Ten” on a project or proposal was the key to getting anything done in the city [Banfield 1965; 141] Soon after Banfield’s study however, citizen interest in politics began to blossom. By the late sixties, political activists had transformed local politics and institutions.

First, local activists were instrumental in bringing new faces and additional powers to Seattle’s political institutions. Beginning in the mid 60’s, some citizens began to question whether the city council had grown out of touch with the city’s changing constituency. As late as 1965 the City Council consisted of primarily older white men with ties to the city’s business community. In 1967 the average age of a council member was 68 [Gordon, et. al 1991]. A group of “young turks” united to form Citizens for an Effective City Council (CHECC). [Gordon, et. al., 1991] The group ran primarily young Democratic candidates against the predominately Republican city council, and won a controlling majority of seats. The Council’s first black member was elected in 1967, partly due to the activism of CHECC.

During this period, the city also strengthened the city council by changing it to a full time, well paid, well staffed legislative body. In 1968 changes in state laws and the city charter allowed the city to institute a strong mayor form of government. By the early seventies, Seattle’s political institutions had been significantly empowered.

Seattle’s loosely organized neighborhoods also began to organize more formally, largely around the issues of preservation and access to city services. Plans to raze Pike’s Market and Pioneer Square, key historical districts in the city, energized middle-class residents to push for designating both areas historical landmarks.

Successes in preserving the Market and the Square seems to have led to a resurgence in neighborhood activism. In 1972 the city created "little City Halls" modeled after a similar program in Boston. Initially the locations served as access points for citizens wishing to pay for city services such as utility bills. Over time the sites were renamed and their role in government became more formal. In 1991 the city created the Department of Neighborhoods and the "little City Halls" were renamed Neighborhood Service Centers.

There are currently 13 Neighborhood Service Centers throughout Seattle with a neighborhood service coordinator assigned to each center. According to the department guidelines, the centers primarily serve the following functions:

- ◇ City Liaison. The assigned coordinator serves as a liaison between the city and the neighborhoods
- ◇ Access to City Services. Several City agencies offer access to staff and services and provide information on the availability of complementary services from the county or non-profit sector for such items as food, shelter, health, etc. Residents can also pay utility bills, purchase some permits and licenses and pay parking tickets at the centers.
- ◇ Neighborhood Development The centers provide a location for citizen mobilization for neighborhood improvement. The centers have also served as the physical location for the newly formed crime prevention councils which support the city's community policing implementation plan.

By the beginning of the 90's, Seattle had experienced significant institutional change. Both the mayor and the council had gained enough resources and formal power

to provide a more active presence in governance than had existed previously. Further, rather than addressing citizen concerns about responsiveness through political representation schemes, such as moving to a district-based electoral system, the city developed an administrative mechanism for facilitating access and soliciting resident input.

The history of the Seattle police department also illustrates progression towards the professional model of policing. In the early part of the century the department was riddled with corruption and early reform efforts sought to eliminate partisan politics and corruption in policing. In the 1960's and 70's the department was again beset with allegations of corruption. One scandal exposed an intricate and pervasive web of political corruption throughout local institutions [Chambliss 1988]. Another incident found the department engaging in illegal intelligence gathering against suspected "subversives" and political enemies. In 1978 the department hired Patrick Fitzsimmons as a "reform" chief to bring the department back under legal compliance. Since that time, the Seattle police force has built a reputation as an exemplary, professionalized force.

The department also operates four police precincts (North, South, East and West) throughout the city. The precincts were initially used as efficiency increasing measures. Officers assigned to specific areas of the city could use the precincts as a base of operations. As this research will show, the precinct in one district (South), was instrumental in helping citizen groups gain access to police command staff.

Oakland's brush with socialism was a major impetus for institutional reform in the early part of the century. In 1911 the socialist party in Oakland polled over 9,000

votes in a municipal election in which the winning party won with just over 11,000.

[Hayes 1971] The strong showing for the Socialist party led the business and professional interests of the city to present and pass a commission form of government and adopt non-partisan elections.

In 1930 the city amended the charter to create a Council/Manager system of government. Local businesses who supported the institutional change, argued that the Council/Manager system would more effectively control the tax rate and thus would encourage industry to locate in Oakland. Further, the city created a semi-autonomous port commission in order to limit political influence in the highly profitable port business. To this day a separate commission which has been controlled largely by local business governs the port. Concerns about corruption, were also a major impetus for reform. The Alameda County District Attorney at the time, future Supreme Court Chief Justice Earl Warren, took on the issue of cleaning up vice and political corruption in Oakland and was instrumental in bringing reform to Oakland government.

Over the next forty years, (except for a brief period in the late 40's) Oakland politics and political institutions were dominated by Republicans and local business. Several Oakland mayors and council members were drawn from the local business community, and the publisher of the Oakland Tribune, William Knowland was considered the leader of the business dominated governing coalition.

In the period after World War II, Oakland's demographic make-up shifted substantially. The migration of African Americans increased in the post war years as did the exodus of the white middle class. By the late 1960's, Oakland's population was comprised of a substantial proportion of African Americans who had limited formal

political influence or power. The provocative activities of the Black Panthers, a group organized around increasing black power and reducing police violence, raised local consciousness about the plight of the black community in Oakland. The Panthers were unable to obtain significant political gains solely through protest activities. In the late seventies, the Panthers shifted to an electoral strategy, supporting and organizing at the grassroots level for black, moderate candidate Judge Lionel Wilson. Judge Wilson became the city's first black mayor in 1977. The move to a district based electoral scheme followed soon after in 1979.

Early in the century Oakland experienced several incidents of police corruption. [Sherman 1978] Municipal reformers, led by future Supreme Court Justice Earl Warren, saw institutional reform as a means of abating police corruption. In the mid 1950's allegations of scandalous police misconduct were the impetus for the hiring of a "reform" chief to "clean-up" the department. Since that time, there have been no serious allegations of endemic police corruption. Currently, the Oakland police department is known has a highly professionalized department, second only to the LAPD in its level of professionalization.

While current institutional arrangements have been in place for several years, in both cities, efforts are still mounted to alter these arrangements. In 1995, an initiative was put before the Seattle electorate to move to district-based councilmanic elections. The proposal was largely the product of secessionist in West Seattle who objected to provisions of the Seattle Commons proposal that would have increased the number of low-income housing units in the west. The initiative was defeated, however West Seattlites continue to agitate for institutional change. In 1996, an iconoclastic West

Seattle political activist Charlie Chong, was able to win a seat on the Council, largely due to strong support from the west. Chong went on to run for Mayor, finishing second in a runoff against current Mayor Paul Schell. West Seattle activists have also successfully lobbied their State Assembly representative to introduce a bill in the Assembly that would force Seattle to move to district based elections. As of this writing the bill is in committee.

Oakland has attempted to move to a strong mayor form of government on at least three occasions in the last 15 years. The most recent effort was mounted in 1996. Proponents of the strong mayor system raised three main objections to the current council/manager system. First, they argued that small contractors have difficulty obtaining city contracts because the City Manager's office is "establishment" oriented and less likely to give new, women, and minority businesses an opportunity. Secondly they argue that the Council/Manager form of government undermines government accountability to the citizenry. The lack of direct electoral accountability over the executive meant the council/manager form of government was less responsive to citizen interests than the strong mayor system in which the mayor is held electorally accountable every four years. Finally, there was a sense that the city had not delivered on its promises to the African American community. Despite nearly 20 years of black political incorporation, there was little substantive change in Oakland's black neighborhoods.

The initiative was supported by a clear majority of the Democratic leadership. Notably, the one lone open dissenter on the council, was the member who represented the affluent and predominantly white Hills area. He argued that the council/manager

form of government forced the mayor to build consensus with other council members in order to move policy. Given that the proposal would have given the mayor significant power over city administration and autonomy from the council, instituting a strong mayor system could have resulted in a lessening of influence for Hills constituents in Oakland. The initiative failed by 5000 votes, largely due to high turn-out from Hills voters. In the current Mayoral election, frontrunner Jerry Brown is pledging to put a Strong Mayor initiative on the ballot by November 1998.

These brief histories indicate that both cities share a history of municipal reformism, although the reform measures instituted varied significantly. In both cities the organization of political institutions is still an ongoing source of conflict. Further, both cities are considered to have highly professionalized police forces.

Central City indicators

	Oakland	Alameda County	Seattle	King County
% White	32.5	59.6	75.4	84.9
% Black	43.9	17.9	10	5
% Asian/Pac. Islander.	14.9	15.1	11.9	7.9
% Latino	13.2	13.8	3.3	2.8
Median Household Income	27,095	37,544	29,353	36,179
Persons below poverty level	18.8%	10.6	12.4	8
HS Grad	20.4	22.8	19.6	22.8
BA	22.8	25.7	31.2	30.5
Median Home Value	172,100	225,300	136,500	139,500
% Structure built < 1939	37.8	22.2	36.2	17

Table 2
Data from 1990 Census

Both cities are central cities within their particular geographic location. Thus they have greater diversity, more people living in poverty, lower median household incomes, and a significantly older housing stock than the surrounding suburban areas.

As Table 2 demonstrates, these differences are quite clear in Oakland and apparent, but less sharp in Seattle. Because of these factors, both Seattle and Oakland face a more complex policy arena than the suburban cities in their respective regions.

Partisanship Indicators

	Oakland	Seattle
Presidential vote Democratic 1980	43.80	38.80
Presidential vote Republican 1980	42.90	46.30
Presidential vote other 1980	13.20	14.90
Presidential vote Democratic 1984	53.10	45.50
Presidential vote Republican 1984	45.80	53.40
Presidential vote other 1984	1.20	1.20
Presidential vote Democratic 1988	59.20	52.40
Presidential vote Republican 1988	39.70	46.20
Presidential vote other 1988	1.20	1.40
Presidential vote Democratic 1992	58.00	47.40
Presidential vote Republican 1992	24.30	28.30
Presidential vote other 1992	17.70	24.30

Table 3

Data from CENTER FOR URBAN POLICY RESEARCH
RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY January 19, 1998

Both cities are considered Democratic-dominated cities with progressive/liberal leadership. This is apparent when measured in both local and national elections. Since 1977, Oakland has had two African American mayors, both Democrats. In the 1998 mayoral election, the candidate pool was somewhat ethnically mixed however a majority of the candidates were Democrats. The exceptions being former Governor Brown who recently exited the Democrat party to embrace a political position significantly to the left of most Democrats, and Shannon Reeves, a Republican who heads the local NAACP chapter. The current Council is also composed of all Democrats.

In Seattle, Democrats have held the mayor's office and a majority of the council seats since 1969. [Gordon et. al 1991] Table 3 demonstrates that the strong Democratic presence in both cities is also evident in presidential elections. Further both cities appear to have become more Democratic over time. Even the strong showing of Perot voters in 1992 appears to have drawn primarily from the Republican pool of voters.

Police Policy Initiatives.

	<i>Oakland</i>	<i>Seattle</i>
Civilian Review	1996	1992-4
Community Policing	1991- present	1988 - present
Public Order Policing	1994 - present	1985- present

Table 4

Both cities have also addressed similar police policy concerns within a comparable time frame. Community policing, as it is typically defined, is an effort to increase police effectiveness, responsiveness, and legitimacy through the participation and/or consultation of external actors (communities) in policing. It illustrates a U-turn in over 70 years of police reform and indicates a substantial change in the formal and informal interaction between police and external actors. Although community policing is often bundled with other policies in response to a number of urban problems, in both cities community policing was primarily instituted in response to crime concerns.

While community policing focuses on getting the police to “do something”, civilian review as it is traditionally defined, focuses on telling the police what not to do and holding them responsible when they violate those rules. In other words, civilian review specifically addresses the problem of police accountability. Civilian review or

oversight has been a critical policy goal for many minority communities. In essence, civilian review advocate's question electoral and administrative avenues of accountability and argue that the police should be held directly accountable to the "citizenry". Thus, the creation of an external civilian "watchdog" implicitly suggests that these other avenues of accountability are insufficient and indicates a substantive (or more likely, symbolic) shift in who "controls" the police.

Finally public order policing is a particularly interesting avenue for studying changes in police/public interactions. When the police engage in order maintenance activities, it is arguably the most explicit expression of their role as social control agents. Further, the articulation of a public order police policy is instructive for understanding how the subjective concept of "order" is defined, constructed, and ultimately enforced by policy makers and the police. An analysis of how a city addresses an "order" problem is an interesting window into the policy making and implementation process in what is increasingly becoming a controversial area of urban policy making

These three policy decisions address some of the most critical decisions in police policy making - crime, accountability, and social order. These decisions also are more likely to involve a high degree of public attention and interest. Therefore, they are excellent decisions for examining the interaction between the police, political institutions, and the public.

Dissimilarities:

There are important differences between the two cities as well. The most important differences are the significant variations in economic indicators, ethnic and racial diversity, and the character and severity of crime.

Economic indicators

	Oakland	Seattle
UNEMPLOYMENT		
Unemployment rate 1990	6.53	4.24
Unemployment rate 1996	7.88	5.26
Teen Unemployment 1993	31.9	10.8
HOMEOWNERSHIP RATES		
Total Homeownership rate 1990	41.67	48.88
Homeownership rates Blacks 1990	35.26	36.63
Homeownership rates Hispanic 1990	33.23	31.66
Homeownership rates Asians 1990	40.78	45.61
Household exp. cost of living index 1993*	1.58	1.17
Median rent 1990	538	463
URBAN STRESS		
Persons in poverty 1990	18.82	12.38
Blacks in poverty 1990	23.95	25.19
Annual AIDS rate 1989 (# of new cases)	60	20
Infant Mortality per 1000 1990	13.2	12.4
Urban Stress Index 1990	0.48	0.87

Table 5

Data from CENTER FOR URBAN POLICY RESEARCH
RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY January 19, 1998

* U.S. Average = 1.00

Both cities have had periods of significant economic stress in the past 30 years. In the 1970's Boeing, the Pacific Northwest's largest corporation laid off thousands of workers. The economic multiplier effect of Boeing employment (at the time, for every 1 Boeing job another 2 jobs were created in supporting industries) led to a significant

recession throughout the region. Since that time, Seattle's economy has recovered and grown. The prominence of Boeing and Microsoft in the national economy has significantly increased regional economic resources in the greater Seattle area.

Conversely, the downsizing and exodus of several major manufacturers from Oakland - General Motors, Peterbilt Motors, Mack Trucks, Ford, Del Monte, Hunt, Wesson, Carnation, Trans American, Continental Can, American Can, Gerber - has left the city with fewer living wage employment alternatives.

Table 5 indicates that Seattle currently has a stronger economic base and less factors associated with urban stress than Oakland. Overall unemployment in Oakland is slightly higher than that in Seattle. Strikingly, in 1993 teen unemployment in Oakland was nearly three times as high as that in Seattle. Overall homeownership rates are nearly parallel with approx. 7% more owner occupied units in Seattle than in Oakland. Importantly, homeownership rates for Blacks, Latinos, and Asians do not differ significantly across cities.

Oakland also has a higher proportion (approx. 6% higher) of its population living in poverty than Seattle. Again, the rate for blacks living in poverty in both cities is approximately the same, with Seattle African American poverty rates only slightly (about 2%) higher than those in Oakland. Cost of living and median rents are also substantially higher in Oakland than in Seattle.

Urban Stress indicators most clearly illustrate the economic and social disparities between the two cities. The urban stress index indicators provide measures of the relative hardship experienced by U.S. cities. Each index is a composite of variables in five categories: employment (unemployment rate, labor force participation rate);

demographic (single-parent family households as share of all households; dependency ratio (% of population below 18 and above 65); education (high-school, college graduation rates); housing (ratio of median rent to median household income, rate of excessive housing expenditures); social (death and crime rates); and income and poverty (city-to-suburb per capita income ratio, poverty rate, and gini coefficient of household income inequality) [CUPR 1998]. A score of 1 would indicate the city scored lowest in a sample of 77 cities on urban stress indicators. Taking all of these factors into account, the urban stress indicator illustrates that Oakland is experiencing a much higher overall level of urban stress than Seattle.

Demographic indicators:

	<i>Oakland</i>	<i>Seattle</i>
% White	32.5	75.4
% Black	43.9	10
% Asian/Pac. Islander	14.9	11.9
% Latino	13.2	3.3
% Other race	8.1	1.2
% Foreign born	19.75	13.12
% language other than English	27.3	15.4
% minority pupils K-12 1996/7*	93.8	59.4

Table 6

Data from 1990 Census

* Oakland Data from California Dept. of Education for Oakland Unified School Dist. 1996
Seattle Data from Washington Dept of Education for Seattle Unified School Dist. 1997

Total population in both cities has remained relatively flat over the last 30 years, however the population composition has changed substantially.² The data in Table 6 demonstrates that Oakland is significantly more demographically diverse than Seattle. There is no majority racial or ethnic group in Oakland. African Americans represent a

plurality at approx. 43.9% of the population. Further Oakland has a larger foreign born population, more residents who speak languages other than English at home, and a significantly higher proportion of minority students in public schools than Seattle.

Demographic trends suggest Seattle has become more diverse throughout the 90's than is reflected in this data. Some areas of Seattle such as the SE, are significantly mixed. Further, all indications suggest that the overall proportion of minority residents is expected to increase substantially in the 2000 census. Although not a very accurate measure, the large number of minority K-12 students currently enrolled in Seattle schools gives some indication of the changing demographics of the city. The economic indicators previously discussed suggest there is a great deal of parity between the economic and social circumstances of racial and ethnic groups in both cities. The major difference in demographic make-up appears to be one of size rather than substantive differences in group characteristics.

² Seattle did experience a dip in population in the late 70's and early 80's largely due to a regional economic recession. Current population (1990) however is only slightly larger than that recorded in 1960.

Crime Indicators:

	Oakland	Seattle
Violent Crimes per 100,000 1970	1069	595
Violent Crimes per 100,000 1980	2225	1057
Violent Crimes per 100,000 1990	1570	1507
Violent Crimes per 100,000 1991	2495	1356
Violent Crimes per 100,000 1992	2626	1344
Violent Crimes per 100,000 1993	2601	1399
Property Crimes per 100,000 1997	5706	6147
Exp. on Public Safety 1972 (millions)	26218	41097
1972 public safety exp. in 1992 dollars *	87999	137940
Expenditures on public safety 1992	119645	165195

Table 7

Data from CENTER FOR URBAN POLICY RESEARCH
RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY January 19, 1998

* Calculated using Consumer Price Index rates: Adjusted 1972 dollars = 1992 dollars * (1972 CPI/1992 CPI)

Violent crime is a more serious problem in Oakland than in Seattle. The violent crime rate peaked in Seattle in 1990 and has slowly declined since then. In Oakland violent crimes continued to grow into the mid 90's. Proportionately there is more property crime in Seattle than in Oakland. Interestingly the differences in the character of crime seemed to have little influence on the saliency of crime as a political and policy issue. Despite Seattle's lower violent crime rate, crime and disorder have been central issues in city politics. This has been attributed to high property crime rates in Seattle.

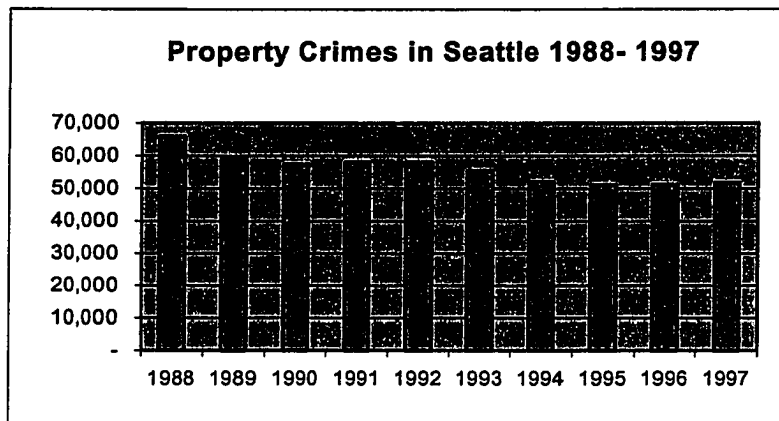


Chart 1

Data from Seattle Police Department Annual Report 1997

The above diagram charts all property crimes (burglary, theft, and auto theft) reported in Seattle from 1988-1997. This chart illustrates that the highest rates of reported property crime occurred during the late 1980's, a time in which crime and community policing were important policy issues. According to the police department, during this time period, Seattle had one of the highest property crime to population ratios in the country

The importance of public safety in both cities is reflected in public safety funding trends as well. Overtime it appears both cities have had real increases in public safety spending. Adjusting for inflation, between 1972 and 1992 there has been a 26% and a 16% increase in public safety funding in Oakland and Seattle respectively. Since a major portion of public safety funds are allocated to the police, we can assume this ratio holds for the police.

Based on the above information Seattle and Oakland were selected for the following reasons: First and most importantly, political institutions in Seattle and Oakland are structured very differently. As mentioned previously, Seattle has a

Mayor/Council form of government with at-large councilmanic districts. The city also directly elects the City Attorney, a structural variation that appears to have had an influence on at least one area of police policy-making. Further the neighborhood service centers and the police precinct system are important institutional characteristics which have had an influence on citizen participation and access to city services.

Oakland operates under a Council/Manager form of government. The City Council consists of 8 members, 7 elected by district and 1 elected at large. The Mayor and the City Auditor are elected through general election. Unlike Seattle, Oakland's administrative operations were highly centralized at the beginning of this study. During the course of this research the city has made nascent steps towards decentralizing access to the police department first and possibly other city services in the future.

Second, both cities are western cities which have been influenced by the Progressive reform political culture and are considered politically "liberal" as demonstrated by the strong longitudinal support for the Democratic party. By choosing cities with similar political leanings, I hoped to control for political culture and other ideological factors. In other words, if both cities were disposed towards supporting liberal policies, differences in policy making choices and processes could more likely be attributed to other factors, such as structural differences. Third, as discussed above both cities have made similar police policy decisions within a comparable time period which could be compared and contrasted.

Executive Power in Ten Largest Cities in the U.S. (plus Seattle and Oakland)

City	Form of Government	VETO		Budget Preparation	Appointments		Removals	
		General	Item		No Council Input	With Council Approval	No Council Input	With Council Approval
New York	Mayor/Council	Yes	?	Yes	Yes	No	Yes	No
Los Angeles	Mayor/Council	Yes	Yes	Yes	No	Yes	No	Yes
Chicago	Mayor/Council	Yes	?	Yes	No	Yes	No	Yes
Houston	Mayor/Council	Likely	Likely	Yes	No	Yes	No	Yes
Philadelphia	Mayor/Council	Likely	Likely	Likely	Informal	?	Informal	?
San Diego	Council/Manager	No	No	No	No	No	No	No
Phoenix	Council/Manager	No	No	Unlikely	Unlikely	Unlikely	Unlikely	Unlikely
Dallas	Council/Manager	No	No	Unlikely	Unlikely	Unlikely	Unlikely	Unlikely
San Antonio	Council/Manager	No	No	No	No	No	No	No
Detroit	Mayor/Council	Yes	Likely	Likely	?	Likely	?	Likely
Seattle	Mayor/Council	Yes	?	Yes	No	Yes	No	Yes
Oakland	Council/Manager	No	No	No	Unlikely	No	Unlikely	No

Figure 1

* Original Table McCarthy and Eric 1998

Chapter 3 ***Civilian Review***

This chapter discusses the debate over civilian police oversight in Seattle and Oakland and the resulting policy decisions. Politics in this area tended to be explosive and highly symbolic, thus political leaders placed the issue on the institutional agenda with some reluctance. Community organizing and community group orientation and resources had a significant influence on whether civilian police review made it to the city's formal agenda. The primary opponents to civilian review were police unions. In order to avoid antagonizing police unions, alienating business and further agitating community activists, political leaders adopted the role of neutral arbiters rather than policy leaders on this policy issue. Institutional arrangements did have some impact (primarily in Seattle) on moderating citizen demands and shaping elite behavior.

Police accountability and Civilian Review Boards

When police accountability becomes a public policy issue, it generally refers to the means of regulating and castigating possibly illegal police behavior. Concerns about police corruption were the primary impetus for progressive reforms aimed at reducing political influence over police behavior through changes in political structures and occupational norms and standards. In western

cities, reforms aimed at controlling police corruption appear to have been very effective, as widespread police corruption is relatively rare. The record on developing methods for controlling violent and/or brutal police behavior has been far spottier.

Since the 1960's, civilian review has been a frequently prescribed policy solution. The most widely known model of civilian review is the independent civilian review board. Civilian review boards consist of members appointed by the executive (in most cases the mayor), who review police misconduct cases and proffer advisory rulings. Although the fundamental premise of civilian review boards is relatively consistent, there is significant variation in jurisdictional authority, degree of independence, and investigatory powers across boards. [Perez 1994]

Despite acrimonious and contentious debates surrounding the creation of civilian review, 92 local law enforcement agencies in the U.S. have instituted some form of civilian oversight. [Bureau of Justice Statistics 1993] Of the 50 most populous cities, in 1993 56% reported having a civilian review board. [Ibid]

Public calls for the instituting of civilian review are often generated from specific allegations of police misconduct, abuse, or brutality. However the concerns about police accountability are tied to larger historical patterns in the relationship between the police, minorities, and other marginalized groups. For this reason, both case studies establish the historical context of police accountability by beginning with a brief overview of incidents and allegations of

police misconduct in each city. Each case study will then discuss the most influential factors in recent attempts to institute civilian review.

OAKLAND

History

C.L. Dellums, a founding member of the Brotherhood of Sleeping Car Porter's Union and the President of the local NAACP chapter, recalled receiving complaints about police misconduct and brutality against black residents in Oakland as early as the 20's and 30's [Dellums1971]. In the mid 1940's, the influx of southern black migrant workers to the East Bay war industry significantly expanded the region's black population. War industry workers looking for entertainment and shopping opportunities transformed public spaces in Oakland's downtown area. The increased usage of central public spaces by rowdy, well-paid, migrant war workers, and the growth of the vice industry, led public officials to declare a "crime wave" was afoot [Johnson 1993]. African Americans bore the brunt of the increased police attention. Reports of police harassment, corruption and extortion of blacks were common. Several scholars and commentators, report that the police systematically targeted black war workers on pay day and took their earnings. [Johnson 1993, 167; Sherman 1978; Dellums 1971; Powers 1971]

In the immediate post war years, the region experienced significant economic decline. Labor unions along with local socialists and communists organized for wage and job protection. As in many other labor disputes, the local police were used to quell labor disorders and protect scabs. In 1946, when

clerks from Kahn's department store went on strike, the city offered police protection to scab workers. One news commentator noted that the police protection accorded the scabs was unmatched to that "accorded even the President of the United States"[Hayes 1971, 19] Angered at the city's interference, the AFL labor leaders called a General Strike. The strike lasted 2 days, involved 142 unions and an estimated 100,000 union workers. The city's unflinching support for local business and the labor unity generated from the General Strike, led to one of the most important political moments in Oakland's history.

In 1947 a loose coalition of labor, socialists, communists and blacks mounted an extensive grassroots campaign to take over city government. Shared economic interests formed the basis of the coalition. John Knowland, publisher of the local newspaper the Oakland Tribune, led the business dominated governing coalition, and was deeply involved in local politics. Labor organizers attacking the Tribune led power structure rallied supporters around the phrase "Take the power out of the Tower", referring to the Tribune's downtown tower headquarters.[Hayes 1971, 21] Black workers were a central part of the labor coalition. Much of the campaign literature depicted strength in racial unity. One leaflet distributed during the election showed two black and white gloved fists clasped together as they smashed the Oakland Tribune tower. [Johnson 1995; We called it a Work Holiday 1997] Massive grassroots organizing led to the coalition unseating 4 incumbent council members in the 1947 election, one short of a majority. Although the 5-4 conservative majority meant the business

coalition was able to continue to control council decisions, the newly elected members were able to address some of the more pressing race relations concerns. Police abuse within the black community was at the top of the list.

In 1949 the city council created the Oakland Committee for Civic Unity to address the issue of race relations in the city. Early on the issue of police brutality in the black community came to the committee's attention. When the committee reported that there was evidence of egregious police behavior towards blacks, the Council's conservative majority summarily dismissed their findings and disbanded the committee.

The East Bay Civil Rights Congress, a predominantly black organization with approximately 500 dues paying members, then took up the fight for police accountability. [Mitford 1977; 101]. Working with Decca Truehaft (Jessica Mitford), her husband Robert, and sympathetic Assembly members Byran Rumford and Vernon Kilpatrick, the loose coalition was able to secure a state inquiry before Kilpatrick's Assembly Committee on Crime and Corrections. The 1950 state hearing was the first inquiry into local police practices in California history. Unfortunately the returns from the state inquiry were minimal. City officials initially tried to co-op the state investigator by offering him a job running a newly created police training program on race relations. [Powers 1971] When the investigation moved from focusing on a few brutal patrol officers to attacking the mayor, city manager, and chief of police, the political stakes became too high. By the end of the three day inquiry, the committee had turned on it's own investigator, branding him "pink" for praising, Robert

Truehaft's (a self-admitted communist) lawyering skills. [Powers 1971, 61]

Within three years of the 1947 election, the labor led revolt had collapsed. Labor candidates were unable to survive the concerted efforts of local conservatives to undermine and unseat them (One council member committed suicide shortly after being recalled), and lost their seats in the next election. [Hayes 1971]

Police misconduct became an issue again in 1953 when a series of police corruption scandals broke. Several Oakland police officers were accused of such crimes as sexual harassment, burglary, and gambling corruption. Any one of these scandals could have served as an impetus to "reforming" the police department however none of the city's political leaders were willing to broach the issue. [Sherman 1978] The officers implicated were fired and gradually the issue subsided. In 1954 a new city manager Wayne Thompson, was appointed who was intent on reforming the police department. In 1955 when a police officer was caught trying to extort a hardware store, Thompson called a press conference, publicly rebuked the Chief, and ordered that all future complaints of police misconduct would go directly to his office [Sherman 1978, xxxii]. Within weeks the police chief resigned. Thompson then appointed a "reform" chief to clean-up the department and within a year most forms of corruption had disappeared.

One study cited the 1955 Oakland police reforms to argue that institutional structure was not a major factor in controlling police corruption [Sherman 1978]. Oakland's council/manager form of government had been in place since Earl Warren's reform sweep in the early thirties, yet corruption in

Oakland flourished. Rather, corruption took place in Oakland because there was a great deal of informal political control over the police department. The success and longevity of corruption reform in Oakland Sherman argues, reflects a limiting of informal political influence in city administration. Further, the strong anti-corruption stance taken by the city manager and the “reform” police chief spread beyond the police department into the general political culture precipitating a shift in the governing political culture. [Sherman 1978] In 1955 the city established it’s first Internal Affairs department and the department has not had a major corruption scandal since that time.

Addressing the question of police harassment, abuse, and brutality towards the black community however was not solved as easily. The problematic relationship between the police and African Americans led to the formation of the Black Panther Party in 1967.

The Panthers 10 point plan for empowerment, specifically demanded an “immediate end to POLICE BRUTALITY and MURDER of black people” (caps in the original) [Pearson 1994]. The Panthers believed that organizing armed, self-defense groups in the black community to monitor and “police” the police was the best solution to “defending our black community from racist police oppression and brutality”[Pearson 1994]. The Panthers also called for community control over the police or optimally, a separate all black police force for black communities. Panther members began patrolling the predominantly black areas of west and east Oakland and observed police (usually while armed with shotguns) when they stopped or questioned black residents. The Panther’s

actions led to open warfare between Panther members and the Oakland Police, resulting in the deaths of one Oakland Police officer and several Panthers.

In the 1970's, the governing board of the city's Model Cities program attempted to commit funds towards the creation of a civilian review board. The ensuing conflict between city political leadership and the Model Cities board led to the formal separation of the board from the city. [Hayes 1971]

The city did not seriously consider creating a civilian police review board until after Lionel Wilson, Oakland's first black Mayor was elected in 1977. During 1978 -1979 several questionable police shootings occurred. In 1979 alone, Oakland police killed nine black residents. One victim was only 15 years old. Although federal and local inquiries found all nine shootings justifiable, the African American community was still incensed. In the wake of these shootings, the call for establishing a commission to consider the creation of a civilian police review board came from the heart of the established black leadership. Supporters included the NAACP, the Allen Temple Baptist Church the premier black church in the city, and Oakland Citizen's Committee for Urban Renewal (OCCUR) a citizen's organization focusing on economic development. [Civilian Complaint Board File (CCB) 1979].

Despite the fact that Wilson's success was largely attributable to grassroots support from the city's black plurality, the Mayor balked at taking an aggressive stance against the police. According to one news report, the discussion over whether the city should institute civilian review

“... put Lionel Wilson on a political tightrope. He couldn't afford to alienate the police and risk giving the city a reputation as being soft on crime since all of his plans for the betterment of Oakland required the support of the business community. On the other hand the constituency that had voted Wilson into office and would be called on to do so again was largely black, liberal and outraged over the shootings.” [East Bay Express 1979]

In other words, making police policy in this area involved resolving the tensions between satisfying an electoral base while not alienating potential economic investors.

Concurrently, Wilson was also trying to drum up support for a charter reform measure that would change the city's governing structure from a council/manager form of government to a strong mayor. Wilson used his inability to dictate the review board process to attack the city manager form of government. In media interviews, Wilson expressed frustration at the minimal power the mayor had over the police department. [East Bay Express 1979] Subsequently, police accountability became a primary argument for supporters of the move to a strong mayor form of government.

After a particularly controversial shooting in the summer of 1979, pressure to address the issue grew. The Mayor convened a task force to consider whether the city should create a civilian review board. The local ACLU also submitted a proposal to the council recommending the creation of an office of citizen complaints created by and accountable to the City Manager. The ACLU recommended that the board not only address complaints, but also address police policy issues. Further the proposal recommended that the newly created

civilian complaint office replace the existing Internal Affairs department. [CCB file 1979]

The Mayor's task force chaired by Council member John Sutter came up with a more modest set of recommendations. The Task Force voted overwhelmingly in support of a civilian review board, appointed by the mayor and confirmed by the council. They agreed that the board would not address police policy issues, nor would it make recommendation on police policy or discipline. Rather the Task Force unanimously agreed that the board should be an advisory body whose findings would be public and directed to the City Manager. The Task Force felt that allowing the board to become "embroiled in issues" would politicize the board and compromise its impartiality. The Task Force also unanimously supported giving the Board subpoena powers. [CCB file 1979]

Police responses to these proposals were predictably critical. Police Chief, George Hart rejected the civilian review board plan and instead supported the creation of an ombudsmen position. The ombudsman would serve as a place or person to register complaints against the department who would then refer these complaints to the department's Internal Affairs department [CCB File 1979]

The most strident and vocal police opposition against the board came from the Oakland Police Officer's Association (OPOA). The OPOA claimed that when political leaders criticized the police it increased the risk of injury to officers because "the constant barrage against us has got to encourage disrespect for the police department" [East Bay Express 1979]. In protest of the impending

vote on the civilian review board, the OPOA sponsored a march on City Hall the day the Council heard the issue. The OPOA had three demands 1) that the city forego any consideration of a police review board; 2) that there be an end to the criticism of police actions by city officials and 3) that Oakland retain the council/manager form of government rather than the shifting to a strong mayor form of government. According to one news account, the OPOA was most adamantly opposed to the shift to the strong mayor form of government [East Bay Express 1979] They accused Wilson of sensationalizing recent police shootings in order to gain support for the strong mayor proposal. Some believed the OPOA supported the city manager form of government because it provided administrative insularity against the political demands of the city's elected leadership. When it appeared that the passage of a civilian review board was imminent, the OPOA threatened to force the issue into arbitration by claiming that the institution of a civilian review board was a meet and confer issue and thus amenable to the bargaining process. [East Bay Express 1984].

The stridency and outspokenness of the civilian review board proponents equally matched the opposition of the OPOA to the board. When the city held a final public meeting on the review board, over 1500 people came, primarily board supporters, who forcefully demanded the city institute civilian review. One activist found the hearings intimidating. "I felt unadulterated hatred in the auditorium, you could almost slice it" [Skolnick and Bayley 1986]. As Oakland Tribune editor Robert Maynard noted, one of the major problems with the

discussion was that there appeared to be little middle ground on the issue [Maynard 1980].

Ultimately the city chose to negotiate with the OPOA regarding the powers of the board. The final board that resulted from these negotiations was significantly weaker than any of the previous proposals presented. The board would not have the power to subpoena officers or witness, rather the final plan called for officer attendance goals rather than requirements. Board members would have access to police investigative reports generated from the particular incident in question only. The jurisdiction of the board was limited to excessive force complaints that were not being litigated. Finally, the staffing of the board was left to the discretion of the City Manager, as the board investigator would be housed in the City Manager's department. The City Manager appointed a staff attorney to work half time as an investigator for the board and allotted no other staff support. Oakland was the first city in California to create a civilian review board, yet the weakness and limited jurisdiction of the board virtually assured the board would have minimal impact.

Revisiting Civilian Review

In the early 1990's, blatantly illegal police activities and several controversial police shootings brought the issue of police accountability to the public's attention again. In 1991 reports of police abuse by the Oakland Housing Authority police, including allegations of brutality and rape by officers began to emerge. In December of 1993, Lonnie Berry a North Oakland resident, was shot in the face during a search of a No. Oakland apartment unit. In January of 1994,

Nathan Cosby was shot and killed by police at his home while they were attempting to serve a warrant to Mr. Cosby's wife for alleged credit card fraud. However of all the cases, the Grinage shootings proved to be the most controversial.

On December 15th 1993, the police were called to the Grinage home to investigate reports that the family pit bull had bitten a neighbor and that the dog's rabies vaccination had expired. Officer's Naumann and Grijalva, and an animal control officer were sent to investigate the allegations. According to Rashidah Grinage, the mother of the dog's owner Luke Grinage, her son had previously interacted with Officer Naumann. Apparently Officer Naumann had arrested Luke on three previous occasions, although charges were eventually dropped in two of these instances. Further, Ms. Grinage alleged that the police, particularly Officer Naumann, regularly harassed her son for no apparent reason.

On this day, Luke, Officer's Naumann and Grijalva and the animal control officer argued about the dog's vaccination papers while Luke's father Raphael Grinage, confined to a wheelchair, listened to the argument in the background. What happened next has been hotly contested. According to the police, they decided to arrest Luke Grinage, who then became unexplainably agitated and "punched" Officer Naumann. There are also reports that Grinage's resistance may have been due to being maced and struck with a long baton. [OI SH 1995]. During the altercation Grinage was able to grab a gun and shoot at the officers, mortally wounding Officer Grijalva. Grijalva and Naumann returned fire killing both Luke Grinage and his father. The incidents at the

Grinage house were never fully resolved, and Officer Naumann was exonerated of any misconduct regarding the shooting. However the deaths of her son and her husband propelled Rashidah Grinage to the forefront of the move to strengthen police accountability in Oakland. Unsatisfied with the resolution of her case with the city's Internal Affairs department, Ms. Grinage joined forces with a local community organization, People United for a Better Oakland (PUEBLO).

PUEBLO reflects a relatively new breed of community organization. PUEBLO focuses on empowering low income communities of color and building bridges across cultural, racial, and ethnic lines. It began in 1989 as a project of the Center for Third World Organizing (CTWO), an Oakland-based community organization focusing on leadership development and training for community activists in communities of color. CTWO has a membership of approximately 400 people. 80% are female and most are renters [OI EI 1995].

PUEBLO's first organized action was publicizing an emerging measles epidemic and pushing for measles vaccinations for low-income children [Delgado 1995]. The success of this campaign led to its establishment as a permanent entity. PUEBLO next campaign was raising public awareness of lead poisoning in Oakland communities. PUEBLO's anti-lead poisoning campaign pushed the city into adopting a strict lead abatement and screening plan. The organization also attacked the issue of hunger in Oakland public schools. PUEBLO'S success is largely due to their success in building effective collaborations between community organizations, legal organizations, and other

advocacy groups to pressure government agencies for change. An essential factor in PUEBLO'S success is their dictum not to threaten other community based organizations, but rather to serve as a catalyst for collaborative action across organizations with common goals.

In 1993, CTWO conducted a survey of 1000 low-income residents in Oakland. Nearly half of those surveyed reported that police abuse was a problem [OI EI 1995]. My own interviews and focus groups with low-income residents confirms that many expressed concerns about police misconduct. Soon after, the Center announced a campaign for community safety and police accountability in four cities across the country. PUEBLO was the designated community organization to lead the effort in Oakland. As part of the campaign, PUEBLO began reaching out to individuals and community based organizations in Oakland poorest neighborhoods in order to present the council with organized community demands. A list of supporters for PUEBLO'S police accountability project reflects the multicultural emphasis of the organization. Supporters included the American Friends Service Committee, the Asian Immigrant Women's Advocates, Congressman Ronald Dellums, the East Bay Asian Youth Center, Centre de Juventud, La Clinica de La Raza, the National Black Police Association, the Oakland Chinese Community Council, and the Vietnamese Fisherman's Association, among others. Meetings and literature was translated at minimum into Spanish, but often also Mien, Vietnamese, and Mandarin. [Pueblo 1995]. CTWO has also been relatively successful in obtaining grant

funds to support their work. For example, the Center received a \$50,000 award from Robert Wood Johnson to support their police accountability campaign.

One of the first action's the group took was to lobby the police department to return a portion of asset forfeiture monies acquired through drug arrests back to community groups. In accordance with new rules instituted by Janet Reno, the group was able to negotiate that 15% of asset forfeiture monies would be returned to eligible non-profits. [Lee 1995].

PUEBLO'S campaign also fortuitously coincided with other important developments. First the Council was already interested in improving police performance and had prioritized community policing on the city agenda. Secondly, police civil liability claims had risen in recent years and this had become a major concern to most city council members. [Oakland City Council 1995]

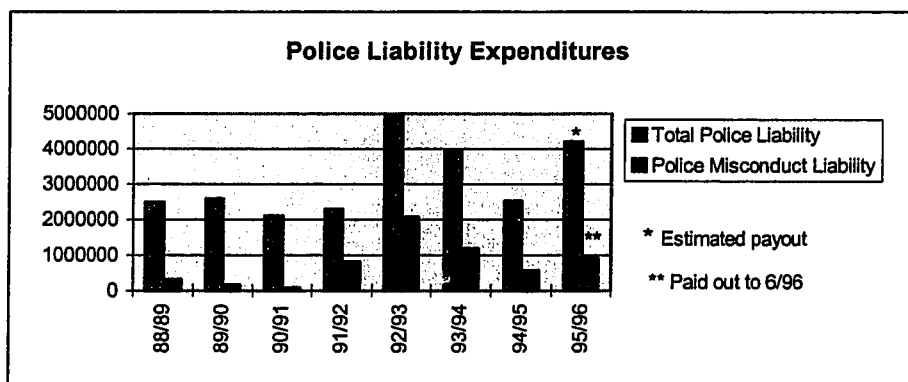


Chart 1

Chart 1 shows the total expenditures on police civil liability and the percentage of those pay outs attributable to police misconduct for 1988 through 1996. This data shows that police civil liability claims against the city increased substantially in the early 90's, with police misconduct claims comprising a significant portion of that increase. Misconduct pay outs peaked in 92/93 when over 40% of all police liability pay outs were for misconduct claims.

Second, in 1994 the city requested an audit of the civilian review board. The data supports the claim that the board was relatively ineffective as either a place for citizens to file complaints or as a review body.

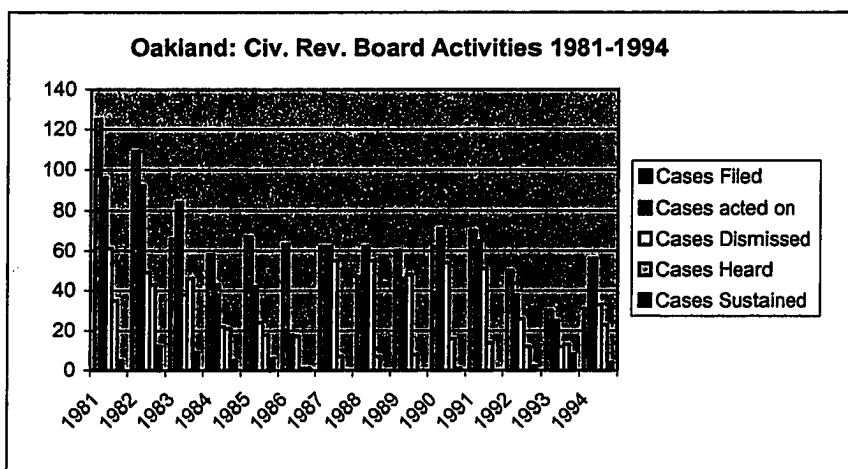


Chart 2

Chart 2 illustrates the board's activities from its first year of reporting in 1981 to 1994, the year of the review. The chart illustrates the decline in cases filed with the board, cases heard, and cases sustained during that time period. In

its first year, the board received 125 complaints. By the year of the review only 31 complaints were filed with the board. Further, the number of sustained finding dwindled as well ranging from a high in 1982 of 12 to several years of no sustained complaints at all. Not only did the number of cases filed with and sustained by the board decline over time, but the board had a substantial backlog of cases on their roster. Comparing excessive force complaints filed with the city's internal investigations department to those filed with the civilian review board suggest that even as excessive force complaints increased, fewer citizens filed reports with the CRB.

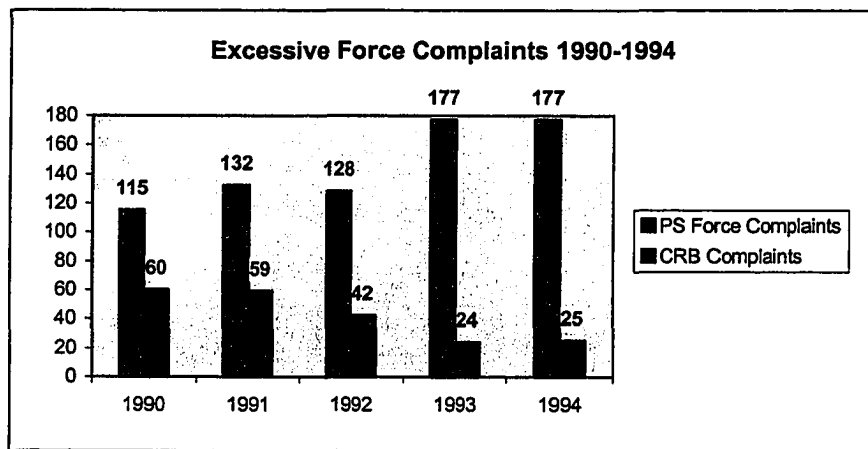


Chart 3

Professional Standards data from Oakland Professional Standards Department
 Civilian Review Board data from report on Oakland Civilian Review Board 1994

Chart 3 compares the number of excessive force complaints filed with the city's Professional Standards unit to the number of excessive force

complaints filed with the CRB from 1990-1994. Even while excessive force complaints rose in 93 and 94, complaints to the CRB declined.

In interviews with the Civilian Review Board President and staff investigator, both confirmed that the decline in complaint reports and the ineffectiveness of the board might be due to structural problems. As board members serve on a voluntary basis, attendance was often spotty. Throughout the eighties, the board often could not conduct business because they lacked a quorum. Many cases were continued either by request of the party or because the complainant failed to appear. This caused a considerable backlog to develop. Ultimately many of these cases had to be dismissed for lack of evidence or interest. [OI CRB1 1995] These factors appear to have undermined the legitimacy of the board and resulted in fewer citizen's filing cases with the board.

Although the City Manager is required to report his recommendations on Board findings quarterly, these reports were primarily statistical and gave the Board little feedback on the disposition of specific cases. This made it difficult to correlate the recommendations of the Board on specific cases with the resolution of the case by the city manager and the police department

Additionally, the Memorandum of Understanding (MOU) with the police association on the Civilian Police Review Board expired in March 1996, and the members of the CRB were already preparing to approach the Council about strengthening the board's powers in the next round of negotiations.

The highly publicized allegations and incidents of police violence, the increase in civil liability pay outs, the poor review of the civilian complaint board and the expiration of the MOU with the police association presented a window of opportunity to put police accountability on the city agenda.

In the 1994 review, Board member submitted a list of recommendations for improving the Board's performance and legitimacy. Foremost, they recommended that the city employ civilian investigators within the city's Professional Standards unit. This they argued, would result in greater citizen trust in the process, cost savings because civilians are generally paid less than sworn staff, and would eliminate the need for the Board to have original jurisdiction. Instead, the Board would then be used as an appellate body for those displeased with the outcome of Professional Standards investigations.

Among the other recommendations presented:

- ◆ Allow Board members to review and recommend policies and procedures to the police department
- ◆ Allow board to submit recommendations pertaining to discipline along with advisory findings to the mayor
- ◆ Increase Board's jurisdiction over officers to include jailers, school, and housing police
- ◆ Allow the Board to make findings based on a majority of members present rather than majority of total board
- ◆ Allow complainants access to confidential files
- ◆ Offer mediation
- ◆ Expand excessive force jurisdiction to cover family pets killed by officers

The majority of these recommendations would have to be bargained with the Union. Given this, the issue was essentially tabled until the Union MOU

expired in March 1996. During that time PUEBLO began to work more closely with the ACLU and CRB members to draw up a new ordinance for the Board.

They were able to establish an important working relationship with a newly elected council member. John Russo was elected to the City Council in 1994, representing the Chinatown/Grand Lake area. This district is a diverse area encompassing two of the city's major business districts, and an emerging S.E. Asian business district commonly referred to as "New Chinatown". In the early 80's, Asian merchants in the district, were frequently victimized by extortion rings and random robberies and burglaries. Few however, reported these crimes to the police. In an effort to increase the reporting of crimes, the department established an Asian Crime Council in 1986, to improve communications between representatives of the Asian community and the police. The success of this endeavor led local Asian businesses to donate office space for a permanent police storefront office in Chinatown. Crime and public safety were also key concerns for the other businesses in the district. Russo's 1994 campaign platform emphasized crime and public safety, particularly through community policing. However, Russo believed crime could not be adequately addressed with out establishing greater accountability over the police. Thus, although his district has one of the lowest concentrations of African American's in the city, his approach to addressing crime concerns made him a natural ally for PUEBLO and the ACLU.

Working with PUEBLO and the ACLU, Russo supported holding a special public hearing on the review board in Feb 1996, one month before the

OPOA MOU was to expire. The public hearing lasted almost 4 hours, with numerous residents recounting their bad experiences with the police. While PUEBLO did not lack forceful leaders and speakers, Rashidah Grinage proved to be a particularly persuasive proponent. As a white, female, Oakland schoolteacher, who had lost two family members in a questionable police shooting, Ms. Grinage testimony was powerful. In the wake of her family's tragedy, Ms Grinage had also become well versed in the literature on police misconduct and behavior and proved to be a thoughtful and informed speaker at public meeting. At the close of the public hearing Russo put a proposal before the Council that would have made the newly constituted Oakland Civilian Review Board one of the strongest in the country.

After the hearing, the city went in to negotiations with the OPOA over changes to the Board. The ACLU and PUEBLO strongly objected to negotiating the Board's powers with the OPOA. The ACLU claimed that Oakland was one of only a few cities who formally negotiated the powers of a civilian review board with the police union.

In July 1996, the Council heard the first reading of the negotiated board ordinance. PUEBLO and the ACLU claimed they had received a copy of the union negotiated ordinance only two hours before the Council was to hear the plan. Both PUEBLO and the ACLU strongly criticized the ordinance as it was significantly weaker than the original proposal. The Council voted to send both the Union negotiated ordinance and a charter revision that would have given the Council more discretion in determining the board's powers, to a second reading.

However both Russo and the mayor urged PUEBLO not to push the issue as they questioned whether there was public support for the charter revision. Changes to the charter require a supermajority to pass. If the issue were brought to a vote, it was feared that board reform proponents would have faced a lengthy and brutal political campaign against the OPOA. The mayor noted “if this goes to the voters we’ve lost negotiating leverage”. In an off-the-cuff remark during a council recess, Russo chided PUEBLO’s position and called out “If you push this, you’re going to lose” [OI CM 1996b]. Ultimately the council passed the union negotiated ordinance by a 8-1 vote.

One PUEBLO member believed the city purposely constructed the issue of civilian review as a conflict between PUEBLO and the OPOA

“The councils thinks PUEBLO has the conscience of the community in civilian oversight so they don’t take on a leadership role. They see themselves as mediators between PUEBLO and the union. Often times it’s presented as PUEBLO wants this and what can we do to deal with their complaints. It’s a very politically pragmatic perspective but we aren’t the elected representatives. It’s not like they disagree with our issues. We aren’t dealing with a right wing perspective on these issues No one articulates a hard law enforcement line. Most of the council is very progressive. They just don’t take leadership on this issue.” [OI EI21997]

These observations indicate that while the council supported many of PUEBLO’s positions, they were unwilling to actively lead the policy process. In positioning themselves as neutral arbiters between conflicting interests, the Council could respond to PUEBLO’s demands while deflecting other political criticisms. Implicitly this suggests that despite evidence of problems with police practices, it would have been extremely difficult if not impossible to garner any

political support for civilian review without an organized and persistent community presence to push for it.

The new ordinance did accord the Board additional powers, but also added new constraints. The ordinance granted the board concurrent jurisdiction over excessive force and communication of bias complaints¹, supplemental jurisdiction over cases in which the Professional Standards (P.S.) unit did not respond within 90 days, and appellate jurisdiction over P.S. cases in which the complainant contests the unit's ruling. The board can also submit quarterly policy report in those areas in which they have concurrent jurisdiction (excessive force and communication of bias), and annual reports on all other policy areas to the City Manager. Further, the ordinance requires the hiring of at least one civilian investigator to investigate claims.

On the other hand, the ordinance did not make other requested changes and in some instances added new constraints. Rather than changing the number of affirmative votes needed to uphold a finding, the ordinance increased the size of the board from 7 to 9 members. Term limits were also imposed as board members are now limited to two consecutive 2 year terms. The ordinance also required that all Board members complete the city's Citizen's Police Academy and participate in the police ride along program. PUEBLO and the ACLU were suspicious of the ride along program, fearing that this requirement constituted "police training" and was meant to undermine or co-opt the Board.

1 Communication of bias complaints are those in which the officer is accused of using derogatory language based on racial, ethnic, sexuality status of complainant.

Most importantly, the ordinance required that a representative from the city attorney's office preside over all Board hearings in which the findings could hold the city financially responsible. According to the ordinance, the city attorney representative would have "sole and exclusive" responsibility to rule on the admissibility of evidence. The MOU makes the relationship even clearer. The MOU requires that the representative be an attorney. The attorney would serve a "quasi-judicial" role and the relationship between the Board and the attorney would be "analogous to that of judge and jury" [Civilian Review Board MOU 1996]. Critics saw this as another attempt to undermine the Board's independence. Finally, the MOU prohibits any city official from "directly or indirectly" endorsing or supporting any initiative to alter the board during the life of the MOU. This effectively closed discussions on changes to the Board until June 1998.

One sitting board member believed the final ordinance reflected the power of the union in city politics and accused the Council of bowing to union political pressure:

"This ordinance demonstrates the power of the OPOA. Now you need a supermajority to sustain complaints, there are 2 year term limits on board membership and police academy training is required by the board but doesn't require community training for the police. You've been co-opted by the political endorsements of the police union". [OI EG 1996]

Political leaders saw the ordinance as the best means of meeting the disparate interests of the "community", constructed as PUEBLO, and the union. Compromising on a volatile issue however is often viewed as capitulating to

political interests. As the Mayor noted “Why is it that when you compromise people accuse you of selling out.” [Oakland City Council Meeting 1996a]

At this writing, minimal progress seems to have been made on instituting the changes mandated by the ordinance. Due to the serious illness of a staff member, nine months passed before a full time investigator was hired. Because of the delay, one of the first actions of the Board when they reconvened was to dismiss a number of cases that had been continued, because of an inability to contact complainants. This action caused an immediate uproar, as several complainants claimed they wanted to pursue their cases and insufficient effort was made to contact them.

A survey by PUEBLO several months after the institution of the changes also seemed to indicate little had changed at the police department. PUEBLO volunteers who approached officers in key positions in the department found that fewer than 20% officers knew of the CRB board or would refer their complaints to that body. In some instances, PUEBLO stated that officers tried to dissuade them from filing a complaint through both subtle and overt intimidation. [Pueblo 1996]

Other provisions of the ordinance have been more promptly enforced. One member has already been dismissed for failing to complete the police department’s Citizen’s Police Academy within the specified time frame.

Seattle

History

Complaints about police harassment towards African-Americans began to surface in Seattle after the migration of a large number of blacks in the 1940's and 50's. In 1955 Mayor Pomeroy appointed a Commission to investigate charges of police brutality. The Report excoriated police practices in the Central District and led to a program for improving relations between the police and the black community. Despite these efforts, complaints about police harassment continued.

In the 1960's, Seattle experienced much of the civil disruption seen in other cities. Problems between the black community and the police also began to increase. In 1965, an off-duty police officer shot Robert Reese, a young black man. The officer was subsequently exonerated and the shooting ruled a justifiable homicide. In response to the shootings, local SNCC members started the "Freedom Patrols" in which SNCC members would patrol black neighborhoods and observe police in action. The "Freedom Patrols" were a key precursor to the development of a Black Panther presence in Seattle. The Mayor at the time appointed a three member commission consisting of himself, municipal civil service head John Spellman and black Superior Court judge Charles Z. Smith to "Investigate ways of dispelling Negro's fears and misconceptions about law enforcement" [Taylor 1994]. In September a community relations division reporting directly to the Chief was established. The unit's activities focused on community relations activities such as organizing recreational activities and visiting schools, primarily because the problem was seen as an image problem.

In 1968 a number of disturbances occurred. A series of school demonstrations were staged after the assassination of Martin Luther King and in July a three day disturbance broke out. During the course of that year, The Municipal League of Seattle, the Model Cities Law and Justice Task Force, and the International Association of Chief's of Police all conducted studies which discussed the poor relations between blacks and the police. The recommendations from these studies ranged from more general recommendations that the police stop harassing blacks, (particularly interracial couples) and create a more responsive grievance system, to more substantive recommendations.

For example the Law and Justice Task Force study recommended a nearly autonomous unit of predominantly Negroes, patrol the Central Area [Law and Justice 1975]. The task force also recommended the creation of a Police Observer position and a Citizen Complaints officer. The Police Observer would function much as the Freedom Patrols did, observing police in action in the city's black neighborhoods. The Police Observer program was also to act as a minority recruitment program as participants in the program were to eventually become police officers. The Citizen Complaint Officer would investigate citizen complaints and have the power to subpoena officers and witnesses in misconduct allegations. However none of these recommendations were implemented. Conflicts between minority activists and the police continued to escalate into the early 70's.

The resolution of the Larry Ward case in 1970 underscored the cities reluctance to address the question of improper police behavior. Ward, an unarmed black veteran was shot and killed by police after being encouraged by an undercover police informant to plant a bomb at a real estate office. Because the police knew what Ward was to do, where, and when, many believed Ward was a victim of police entrapment. In King County, it is customary for the coroner to hold a jury to inquire into all police killings. When the circumstances of Ward's death became clear, the Ward family hired an attorney to represent the family at the coroner's inquest. The coroner's jury ruled against the police and found that Ward's had died by "criminal" means. This was the first time in more than 20 years that the coroner's jury found in favor of the victim rather than the police. Yet local prosecutors refused to prosecute, citing a lack of evidence and a distrust in the "outmoded" coroner's jury system. An editorial in Seattle Magazine describes the irony in this course of events.

"Nobody (except the residents of the Central Area) saw a need to change the system during all those years when, without exception, it delivered verdicts against the victim and in favor of the police. Now the system has found that a white policeman used criminal means in killing a black man and suddenly the system has become unbearable. The implications are obvious." [Ivie 1970, 29]

As this excerpt suggests, substantive reform was unlikely to occur when systemic changes were proposed only when they challenged the prerogatives of the police.

The first substantive legislative efforts to control police activities occurred soon after the Ward incident. In 1971 the Seattle Times reported that

sources alleged the Seattle Police Officer's Guild was building dossiers on political activists and "enemies". The existence of these files was confirmed in 1975 when it was found that the department's Intelligence Section had an extensive collection of files on politically active minority organizations and city officials. These revelations led the Council to create an Intelligence Auditor position, the first of its kind in the country. The Auditor reviews Intelligence files on a quarterly basis and submit reports to the Council to ensure that the Intelligence unit complies with the intelligence gathering policies of the police department.

In 1989 Norm Rice was elected as the city's first black mayor. Many in the black community saw this as a opportunity to bring public attention to problems with police practices towards African Americans. Early in his council career Norm Rice, emerged as a champion for police accountability on the council. As one of two black representatives on the Council, his personal papers hold several letters asking Rice to address or intercede in matters of police harassment or abuse. [Rice papers] Rice's handling of the Baldwin case illustrates one successful effort at addressing possible police misconduct.

In 1984 Robert Baldwin, a mentally impaired man, barricaded himself inside a public housing unit when authorities threatened to evict him for being one month behind in his rent. Three years prior to this incident, Baldwin had been cut off of public aid. Apparently almost exactly a year earlier, Baldwin was involved in a similar confrontation with the police when he refused to be evicted

from another apartment building. Police were able to talk Baldwin out of the apartment during this earlier event. This time, Baldwin refused to negotiate.

When King County officers entered the unit to force Baldwin out, Baldwin lunged and stabbed one of the officer with a sword, killing him. A 15 hour siege followed, involving King County Police, Seattle police and the Seattle Emergency Response Team (equivalent to a SWAT team). After a series of mishaps, officers burst into the apartment. Baldwin was killed by a fusillade of gunfire and suffered 21 bullet wounds. Members of the black community were outraged with the “over killing” of Baldwin and the insensitive handling of Baldwin’s body when he was carried out of the apartment. After the event, an officer came forward to his supervisor and said that he saw officers shoot Baldwin repeatedly in the back after he lie wounded, face down on the apartment floor. An analysis of Baldwin’s wounds confirmed that this explanation was consistent with the angle of the exit wounds. The officer later recanted this statement in official testimony [Baldwin report 1985].

When the council asked to have a council representative sit on the board of inquiry investigating the circumstances of the Baldwin shooting, Police Chief Patrick Fitzsimmons refused. Rice then created a separate council committee to review the shooting and the emergency response team police procedures. In the end, the council committee forwarded new policies regarding the handling of hostage situations.

Rice’s personal papers also illustrate the thin line he walked between addressing concerns about police harassment while attending to broader

concerns about crime. In a draft speech on public safety delivered during his failed 1985 mayoral bid, Rice writes poignantly about his son's experience with police harassment in Seattle.

"My own son Mian, had also been stopped by officers. He too told me about the feeling he had when confronted by officers. They believed him to be a criminal and treated him as one. He received no respect when answering their questions, no explanations as to why he had been stopped, and no apology when the officers determined he was not the felon they made him feel he was and released him. I did not contact the Seattle Police Department over their treatment of my son. I believed it was in everyone's best interest that I keep my concerns and anger to myself" [Rice papers]

These comments were edited out of the final speech. In the same speech, Rice comments on the need for communities to trust and respect police officers.

"Building trust and understanding between the community and the police will yield better results in reducing crime. The public must understand what the police department is trying to achieve in their efforts to reduce crime, and officers in turn must retain a degree of sensitivity to citizens. We must all learn to trust and respect the keen intuition and experience officers have honed toward implementing tools we have given them to better perform their duty" [Rice papers]

These remarks were labeled as "too pro police" in the margins and were also edited. Both of these quotations illustrate an enduring tension in the politics of police accountability between addressing problematic police conduct, while supporting "crime-fighting" efforts.

This tension is particularly acute for African-American political leaders who must juggle what are often perceived as conflicting demands from their core constituency. Black communities are at greater risk of crime victimization *and* police harassment and abuse. It is not uncommon for leaders from the

African-American community to lobby city government for more police services while castigating the police for an overly intrusive and aggressive presence. African-American political leaders can not afford to ignore either of these concerns. As Mayor Rice emphasized in a recent conversation “as an African-American mayor, it was important that I deal with police issues and crime issues” [Rice 1998]. Demands for protection from crime and just treatment from the police need not be contradictory. Balancing these concerns however, does require a sensitivity to community specific standards, norms, and conditions.

By the mid 80’s the rise in drug-related and property crimes appear to have pushed Rice further towards the crime control side of that dilemma. As police took aggressive measures to address the rise in drug crimes, there was also a significant increase in complaints about the police.

When Harriet Walden’s sons were arrested, jailed, and allegedly beaten by the police, Walden formed the group Mother’s Against Police Harassment (MAPH) to inform young African Americans on how to behave when stopped by the police, and to lobby for better police accountability. Walden started the group with four other mothers in the neighborhood whose sons had experienced similar problems with the police. Eventually the group grew to 60 active members with 350 people signed up for their newsletter. Walden’s group was able to generate some media attention, however public pressure did not mount until several high profile incidents mobilized other progressive groups to support civilian review.

First, In 1989 the issue of racial prejudice within the ranks of the Seattle police department gained public attention when Seattle police officer Bill Wald fired off a particularly vitriolic letter to County Commissioner Ron Sims. Sims, who is black, had commented in an article on Spike Lee's movie, *Do the Right Thing*, that he and other blacks had deep resents toward white officers in black neighborhoods because of the history of police abuse within these neighborhoods [Tizon 1989]. Incensed, Wald wrote a letter to Sims and sent a copy to the Seattle Times. The letter maligned African Americans has being lazy, less intelligent, prone to commit crimes, and unable to get along with any other racial group, including their own. In one excerpt he concluded that "there are seven kinds of intelligence, one kind being the ability to bounce a basketball. If you believe that physical agility is a form of intelligence, then Bobo the Gorilla is smarter than the whole Negro Race". [Tizon 1989] Wald's statements were particularly troubling because of his standing within the department. Wald was on the Board of Directors of the Seattle Police Guild and wrote a monthly column in the Guild newsletter in which he regularly maligned other minority and marginalized groups [Seattle Times 1989]². The wide distribution and publication of these remarks suggests that department leaders did not see them as problematic. Police commenting on Wald labeled him an "iconoclast" or "oddball" and one officer didn't believe he had "a malicious bone in his body" [Seattle Times1989a].

² Among some of the gems in Wald's 4 year old column were his regular references to criminals as "garbage", handicapped people as "crips", and gays as "deviants". He also referred to booking Latinos

Wald's outburst couldn't have come at a worst time, as tension over Seattle Police Department's aggressive stance on drug enforcement had caused significant tension between blacks and the police. Perhaps the area most severely impacted by the drug war was the Southeast/Rainier Valley area. The Rainier Valley was the major relocation area for Central Area blacks pushed out of the neighborhood because of gentrification. When the area's drug problems became more visible, the Rainier Valley community groups began to organize and work with the police to address problems through nascent community policing efforts. In 1988, the group approached then council member Rice to sponsor an ordinance which would make loitering with the intent to sell drugs a punishable offense. When Rice left the council for the mayor's office, the issue fell to the new public safety chair Jane Noland, who introduced the bill in April of 1990. The bill defined drug traffic loitering behavior as:

- Being seen by an officer to be in possession of drug paraphernalia
- Being a known drug trafficker
- Repeatedly beckoning or attempting to stop motor vehicles
- Circling an area in a motor vehicle and repeatedly beckoning to stop people
- Being the subject of court order which directs people to stay of the area as a condition of probation
- Having been evicted as the result of his or her illegal drug activity and orders to stay out of drug area.

Any person under a SODA (Stay out of Drug Areas) order or observed by the police to be engaging in any of these behaviors could be stopped and

into jail as sending them to "1 So. Taco St.", and commented on covering up police brutality. Seattle Times 8/7/1989 B1 Inflammatory Writing wasn't new to Officer Wald.

arrested.³ The ordinance generated a great deal of opposition from the more progressive elements of the city. Many opponents believed the ordinance was a blanket tool for the police to harass African American men. Despite vocal opposition, the ordinance passed 7-2, largely due to the political lobbying of the mayor and council member Noland [Gordon 1994]. After the passage of the ordinance the mayor assured that the Human Rights Commission would review the enforcement of the ordinance to ensure it was being fairly enforced.

Eighteen months after the passage of the ordinance the Human Relations Committee issued a report complaining about their inability to obtain the necessary information from the police department to evaluate the enforcement of the ordinance. As a voluntary body with minimal resources, many questioned whether the Human Resources Committee could be an effective evaluative body. Concurrently, the ACLU released their preliminary report on Drug Traffic Loitering arrests. During that time 244 individuals had been arrested for being in violation of the drug traffic loitering law. 76.6% of those arrested were black. More than ½ of those arrested were never charged for loitering but rather for other more serious offenses. Further the majority of arrests were occurring in the city's central areas (Pioneer Square and the Pike's Market area). This suggests that either drug activities earlier concentrated in the Southeast, had been pushed north due to the intensified police actions in that area, or that police were focusing on the central areas, perhaps because of their high visibility.

³ A SODA (Stay out of Drug Areas Order) is a condition of probation for some drug offenders. Those under a SODA order are prohibited from entering or residing in known drug sales locations as a condition

When the ordinance came up for renewal in 1992, the swing vote on the council was newly elected member Sherry Harris. As an African-American, Lesbian, Harris was under significant pressure from both constituencies to reject the renewal. Instead Harris supported the ordinance with the provision that a police/community task force be created to review over all police/community relations and report back to the Council with recommendations.

Growing public concerns about enforcement of the drug traffic loitering ordinance and police/community relations as a whole, led the Public Safety committee to hold two hearings on the problem. Activists crowded the Council chambers, complained bitterly about the police, and demanded the city create a civilian police review board. City political leaders however, believed improving the existing accountability process was a more appropriate and politically feasible course of action.

Internal Investigations Data

An analysis the Internal Investigations (I.I.) process and data on I.I. activities suggests that there may have been problems with the investigative process.

of probation.

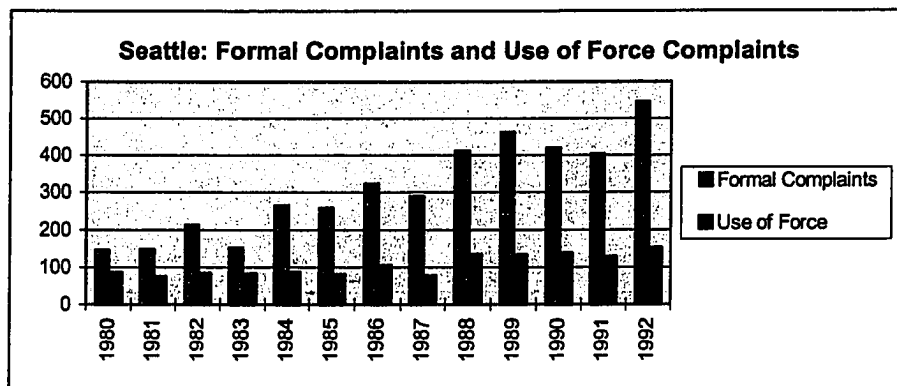


Chart 4

Data from Seattle Police Department Annual Reports 1980-1992

Chart 4 charts the number of formal complaints and excessive force complaints received by the city from 1980-1992. This chart shows a rise in all complaints in the late 80's and another jump in complaints in 1992. Since 1980, there had been a threefold increase in the number of formal complaints filed against the department.

When the Seattle Police Department receives a complaint, the complaint is received by a duty sergeant for disposition. The duty sergeant then recommends the appropriate level of investigation given the severity of the accusation. The most serious complaints are referred to I.I., complaints not requiring a full I.I. investigation but worthy of further inquiry are referred to the officer's supervisor (Line Referral Investigation). All other complaints are registered as received with no formal complaint or investigative action taken (Contact Log). Looking at the disposition of all complaints, the data shows that most complaints to the police were recorded as "contacts".

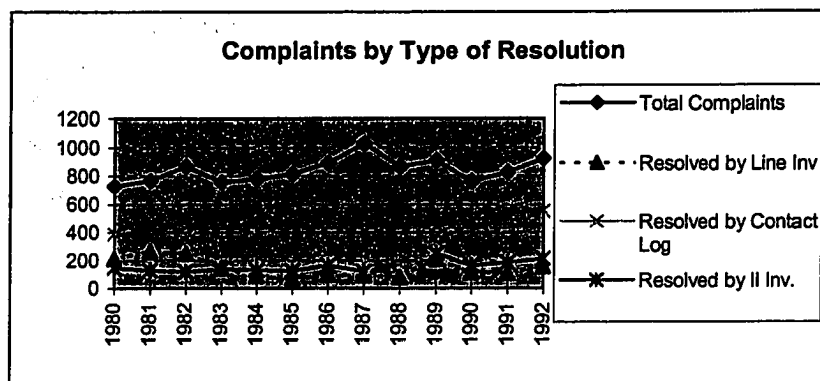


Chart 5

Data from Seattle Police Department Annual Reports 1980-1992

Chart 5 charts the resolution of all complaints received by the Seattle police department. This Chart illustrates that a majority of complaints were resolved by registering them as “contacts” on the contact log with no further investigation. According to an audit of the Seattle police department, Seattle was one of the few cities that recorded even the most minor inquiries into police actions as “complaints”. [Bell 1989] This explains the high number of cases recorded as contacts with no further, formal investigation.

Approximately an equal number of cases were submitted to either line investigation or internal investigations. In the late 80’s and early 90’s, there was a decline in the use of contact log resolutions and a slight increase in internal investigations. During this time the department was ceasing the recording of all minor inquiries as complaints while simultaneously limiting the use of the line investigation. It was argued that any allegation serious enough for line investigation should be submitted to internal investigations. Because of these

changes in procedures it can not be determined from this data whether there was a real increase in formal complaints against the police.

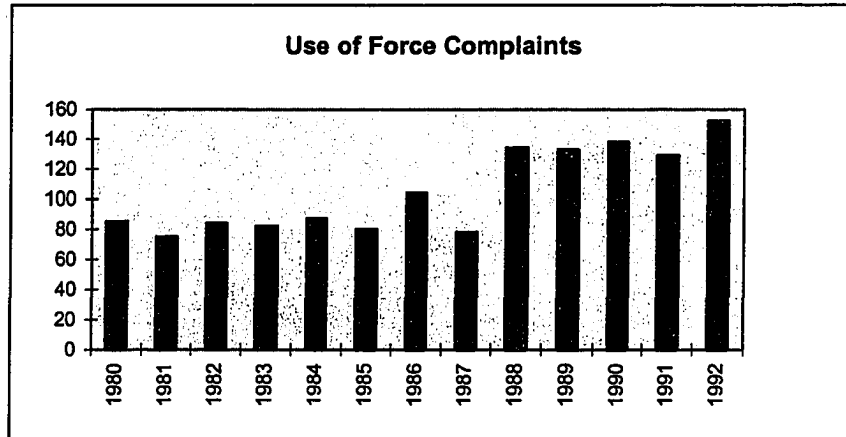


Chart 6

Data from Seattle Police Department Annual Reports 1980-1992

Because of the perceived severity of excessive force claims, there is likely more consistency in the reporting of these types of complaints. Looking just at excessive force complaints may be more instructive for determining whether complaints against the police had actually increased. Chart 6 shows that excessive force complaints did rise during the same time period. By 1992, use of force complaints were nearly doubled the number reported in 1980.

An analysis of the disposition of cases illustrates that Internal Investigations did not find officers culpable in a majority of complaint cases.

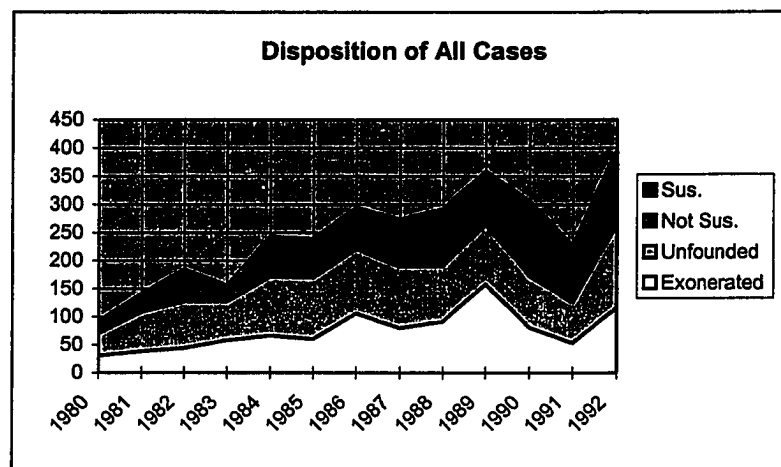


Chart 7

Data from Seattle Police Department Annual Reports 1980-1992

Chart 7 charts the disposition of all cases from 1980-1992. This chart shows that relatively few cases against the police are sustained. The vast majority of all complaints are either unfounded, exonerated or not sustained.⁴ The sustaining rate was even lower in excessive force cases.

⁴ Unfounded means it could not be proven that the incident occurred as described by the complainant. Exonerated means the incident did occur but the officer followed appropriate policy, and not sustained means there was not sufficient evidence to either sustain the complainants claims or exonerate the officer.

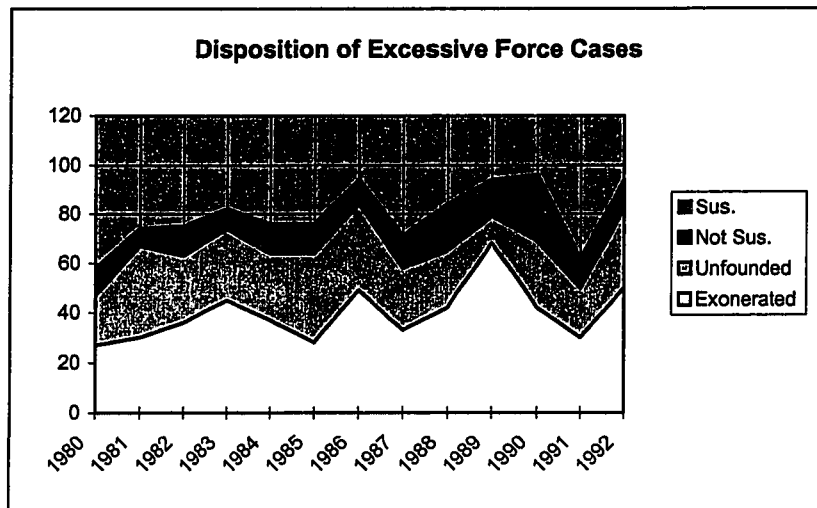


Chart 8

Data from Seattle Police Department Annual Reports 1980-1992

The sustaining rate on excessive force complaints is even lower. Further, officers accused of excessive force are more likely to be completely exonerated than in other complaints. Filing a complaint is not synonymous with officer wrongdoing. Therefore a low sustaining rate in and of it self does not necessarily indicate problems with police practices or investigative procedures. According to one source however, Seattle has one of the lowest sustaining rates on excessive force complaints in the country [Seattle Times 1992]. This suggests that there may be flaws in the internal investigations process. The above data indicates there may have been a substantial increase in all complaints against the police during the time period examined. There is an even stronger liklihood that excessive force complaints increased during the period in question. Further, few

cases were sustained, with excessive force complaints far less likely to be sustained than other complaints.

Civilian Auditor Plan

In 1989 the city commissioned a review of the Internal Investigations process. The review found that overall, there were few problems with I.I. procedures. They did recommend that the department eliminate Line item investigations as a means of resolving complaints. The report also did not support creating a civilian review board. [Bell 1989]. Concurrently, city staff produced a report assessing the possibility of creating a civilian review board under the current contract with the police union. The report found that instituting a review board would have to be negotiated with the police union. In light of the Bell report recommendations and the potential union problems, the city proffered a compromise on civilian review. [Seattle Staff Report 1989]

In November of 1992 the Council unveiled its plan for a civilian police auditor, patterned after the intelligence auditor position created a decade earlier, the auditor would review a percentage of Internal Investigations cases as a check on I.I. unit procedures. The auditor would then submit biannual reports to the Council and issue recommendations on improving the process.

Civilian police review advocates blasted the civilian auditor plan. In protest, these groups picketed city hall demanding the city create a civilian review board and fire Chief Fitzsimmons. They argued that the auditor did not have the independence, investigatory powers, or resources to do anything other than review documents produced by I.I. [Barber, 1991; 1992]. Further, some

saw the creation of an auditor as a means of dissipating support for a civilian review board. As one informant said,

“We knew the auditor was created to make sure we didn’t get civilian oversight. The auditor was created to placate black voters and to take the steam out of the support for the Civilian Review Board.” [SI IX 1996]

There may be a measure of truth to this allegation. Mayor Rice did not support the creation of a civilian review board. According to the Mayor, creating a civilian auditor was an attempt to address the concerns of citizen groups, without adopting a civilian review board.

“You have a mayor who doesn’t support civilian review, you have a council that’s ambivalent. The auditor was a compromise. Besides, there’s no evidence that civilian review boards work. Civilian review boards are not necessarily more harsh on the police.” [Rice 1998]

Other comments by the mayor suggest that the civilian auditor was a means of assuaging community demands without confronting the union over civilian review. Without some form of community pressure, political leaders are unwilling to take the political lead on this issue. As Rice noted, “Community group pressure on this was critical. You wouldn’t have an auditor without it.” [Rice 1998]. Keeping up the morale of the police department he stated, requires that you don’t “cave in” on these types of community demands. [Rice 1998].

However, Rice also noted that it was important that political leaders not bow to union political pressure and “stick to their guns” in dealing with police unions [Rice 1998]. Otherwise, you would open yourself up to criticisms of capitulating to union political power. In order to avoid taking an unpopular position, the Mayor and to a large extent other elected leaders in Seattle,

positioned themselves as “neutral arbiters” between two interest groups. This gave them a way to navigate the intense interests on either side of the issue.

Later that year, Seattle became one of the first city’s selected to become a Weed and Seed site. According to the U.S. Department of Justice, there are two primary goals of Weed and Seed. First is the elimination of violent drug trafficking and drug related crime from targeted areas. Second, is to provide a safe environment, free of crime and drug use for law-abiding citizen’s. These goals were to be achieved by “weeding” out the criminal element through coordinated federal, state, and local law enforcement efforts, and “seeding” the area with human service programs aimed at prevention and intervention. Importantly, offenders apprehended thorough “weed” efforts would be subjected to federal prosecutions and strict mandatory minimum sentences. [U.S. DOJ 1997] Seattle’s Central Area, the city’s historic black neighborhood was selected as the Weed and Seed site.

Convincing the city not to accept Weed and Seed monies proved to be a particularly powerful rallying issue for the progressive coalition. In an attempt to get the city to reject the Weed and Seed monies, the loose coalition of activist formed the Coalition for Police Accountability. The coalition opposed Weed and Seed because of the application of stricter federal laws to the weed area. This they argued, violated constitutional equal protection as those arrested for the same offenses in other parts of the city would not be subjected to federal prosecution and mandatory minimum sentences.

They were also distrustful of the level of collaboration and cooperation between federal DEA agents, the local police and “seed” funded organizations. Weed and Seed efforts sought to mobilize communities in the targeted areas to “assist law enforcement in identifying and removing violence offenders and drug traffickers from their neighborhoods” [U.S. DOJ]. The opponents of Weed and Seed argued that in practices, this would force seed money recipients to supply information to federal and local agents, undermining prevention and intervention efforts.

Coalition members also alleged the city was counter-organizing against them. During the debate over whether to accept Weed and Seed monies, the city was actively trying to create crime prevention councils to assist in the expansion of community policing. By organizing residents, particularly in the Central area, around the issue of crime, many believed the city was attempting to redirect the focus of the most influential (voting) population of the community from police accountability to crime.

The battle over Weed and Seed was intense. An analysis of the letters received by public safety council chair Noland, shows that her office received far more letters opposing Weed and Seed than letters supporting the policy. [Noland papers]. In the final tally, the city council voted to accept the funds 7-3. According to one informant, when the coalition lost on the Weed and Seed

issue, they fell apart. This informant believed the city's counter-organizing was a critical factor in the loss.⁵

“[Losing Weed and Seed] took the heart out of us. It was a real blow and the city will organize against your back with community councils and crime prevention councils. The crime prevention groups aren't organized by the community they're organized by the police. The city counter organizes to keep a lid on things.”
[SI IX 1996]

With critical losses over drug traffic loitering, the civilian auditor, and Weed and Seed, the steam for police accountability was gone.

In 1994, after more than a year of meetings and focus groups, the Police Community task force created as a condition of the re-authorization of the Drug Traffic Loitering ordinance released their report. The 14 member committee reflected a broad cross section of individuals including 4 African Americans, 1 Asian, 1 Pacific Islander, 1 Native American, and 5 Anglos, 2 gay men , 5 women and 2 police officers. The report delivered to the council reflected the divided opinions held by the members of the committee. In the end the committee, submitted a list of recommendations, but could not reach consensus on whether to institute a civilian review board.

A slim majority of 8 members called for the creation of a civilian review board. However in separate dissenting reports, two police officers and four civilians rejected the majority report. The civilian dissent argued that the civilian review board was not discussed and no witnesses who had been interviewed

⁵ Another group Mothers Against Police Violence (MAPV) led by the widow of a black police officer started at that time too. Walden believed the similarity in the names of the organization generated

were brought to discuss the institution of a board. The police officers, both members of Seattle's police unions, believed the group was flawed from the beginning, arguing that its discussions were often lively but rarely productive and that the group was "dysfunctional". [Streidinger 1994] The task force majority report also commented on the minimal interest and lack of direction from the mayor and council. Given the lack of a consistent voice, the task force majority recommendation to institute a civilian review board was not pursued.

According to informants both within city government and review proponents, creating a civilian review board is a dead issue in Seattle. Harriet Walden has expressed a desire to move on to other projects and the city's community policing bureau chief has said that the full implementation of community policing precludes the need for a civilian review board. [SI MN 1996]

Since that time, the city has experienced another tragic police shooting. On Martin Luther King day in 1996, Edward Anderson was shot and killed by a Seattle police officer as he lay on his back, entangled in a fence with his feet up in the air. [Seattle Human Relations Commission 1996] The officer who shot Anderson had been pursuing him on foot for several blocks. When he encountered Anderson caught in the fence he started to lower his weapon, however his finger slipped on the trigger and the gun fired, the bullet striking Anderson in the throat. The officer was later exonerated and the death was ruled accidental and

confusion, as MAPV focused more on crime and violence than police accountability. She also believed they "catered more to the upper middle class."

unintentional. In the wake of this latest shooting, the Human Relations Committee held a series of discussions on police/community relations. The report from these hearings illustrated that for many, the Anderson shooting represented yet another incident in "as a decades-old pattern of abuse waged by police officers against racial and ethnic minorities." [Seattle Human Relations Commission 1997, 1]

Despite the grim outlook some citizens have of police/minority community relations, Seattle has continued to show progress in addressing police problems. The department has continued to minimize the number of complaints handled at lower levels of the organization. In 1995 the department received the lowest number of excessive force complaints in almost a decade. Further, Police Chief Stampers has fared well in handling volatile, high-profile cases. For instance in early 1997, a mentally impaired man walked through downtown Seattle brandishing a sword. The incident was resolved without loss of life. Officers spent over 12 hours and used a variety of non-lethal techniques to subdue the man. Even with criticism from the public regarding the effects of the standoff on downtown traffic, Stampers supported the methods used to resolve the problem.

Conclusions:

The story of undertaking police accountability in Seattle and Oakland is instructive, but not because these departments have substantial problems with police misconduct. A survey of police/minority relations in any major city would yield a series of events quite similar to those that occurred in these two

cities. Further, both departments may even be ahead of the curve in regards to addressing community concerns about police behavior. Rather, the struggle over establishing police accountability is compelling precisely because these cities are controlled by liberal-leaning constituencies and politicians. These cases illustrate that even in environments conducive to being more responsive to minority interests, the issue of police accountability generally, and civilian review specifically, is volatile and fraught with difficulty.

Despite the political volatility of police accountability, it is an issue political leaders ignore with peril. Significant problems with police/community relations can result in inadequate and ineffective police services and at worst as history has shown, serve as the impetus for civil disorder. In both of these cases, police accountability policy making involved crisis management. In other words, the policy made it to the agenda because some citizens believed the problem had reached crisis levels. Thus policy making in this area tends to be, volatile and unstable. In both cases, when political leaders were forced to address the issue of accountability, they attempted to position themselves as neutral arbiters between citizen groups and the police unions. Further, public concerns about crime combined with the perception that police accountability and effective “crime-fighting” are inimical policy goals, compels political leaders to negotiate the accountability policy making terrain carefully.

Agenda Setting

As the historical record demonstrates, in each city there are persistent tensions between minorities and the police. In both cities critical events, such as

a controversial police shooting or a perceived pattern of police abuse was the primary impetus for putting police accountability on the city's agenda. Thus, in many respects policy making in this area occurred within a "crisis control" atmosphere.

The historical and contemporary record illustrate a pattern of either delegating the issue of police accountability to a "commission" or "committee" for further study, or the city positioning itself as a neutral arbiter between community demands for accountability and union demands for disciplinary autonomy. With few exceptions, the reports of commissions and committee resulted in few policy changes. Rather, the commission strategy was used to defuse the intensity of community demands by allowing people to vent and hopefully defuse their frustrations.

When community demands were not dissipated and the city was pressed to address the issue, leaders in both cities adopted the stance of arbiter. Importantly, adopting a position of neutral arbiter between competing interests was not tied to institutional structure or political culture, but rather pragmatic political realities. In Seattle, the neutral stance was primarily driven by a certain ambivalence to the notion of civilian review. In Oakland, the position of neutrality allowed the city to negotiate a settlement between interest groups with intense demands.

Police unions have a vested interest in dictating the disciplinary procedures. They also have a number of ways to wield political influence. Therefore political leaders oppose unions with some risk. For this reason,

having an organized pressure group lobby on behalf of civilian review was essential. Without community demands, there would be little to be gained from supporting civilian review and risking union opposition. In both cities, civilian review advocacy groups emerged and lobbied the political leadership for civilian review boards. As the following section will argue, the organization and political tactics of these groups had a significant affect on the policy making process.

Managing citizen demands

Electoral aggregation schemes did not have an influence on how groups organized or determine from whom they sought support in the political arena. In that sense, the strategies for garnering political support in both cities were more akin to protest organizations than neighborhood-based politics. In Oakland, elected officials were not approached because of whom they geographically represented. For this reason, electoral schemes had little to do with gaining access. In Oakland, PUEBLO was able to develop a relationship with a Council member who saw police legitimacy and accountability as a critical element in addressing crime. Again, geographic representation did not seem to influence this decision as the council member the group worked with did not represent a district with a large African American or Latino population (the most frequent proponents of civilian review), or where PUEBLO was geographically based.

In Seattle, Mothers Against Police Harassment began as a more geographically focused community group. However by the time they merged

with other progressive groups to form the Coalition for Police Accountability, the group was no longer narrowly geographically focused.

Some activists in Seattle alleged that that the city's organizing efforts undermined the "organic" organizing efforts of grassroots groups like Mothers Against Police Harassment. While there is some evidence in the literature of the moderating influence of city constructed community organizations this claim can not be completely substantiated based on the data collected. [Berry, et. al 1993]

It could be argued that Seattle's at-large electoral system dissipated the influence of those groups lobbying for civilian review. African Americans and the gay community were the key advocates for civilian review and both groups are somewhat geographically concentrated in the Capitol Hill, Central, and Rainer Valley/Southeast areas. An argument could be made that district representation would have amplified the "voice" of these groups by employing an electoral scheme that would take advantage of any geographic concentration. However it is unclear whether geographic residential patterns support this line of argument. African-Americans comprise no more than 35% of either the Central or S.E. areas. It is unclear how large the gay community is in the Capitol Hill area, however as gays are not a protected class under the Voting Rights Act, there is no legal grounds for addressing allegations of vote dilution. Further, as the groups were organized around shared interest or ideology and not geography, it is unclear whether geographic representation would have made a difference.

Conversely however, it could be argued that even though these groups are a minority within their geographic area, district based elections would amplify their voice within their specific districts. Optimally, if these groups were unified, they could constitute a significant voting block within their designated district. Again however, this is speculative, as the degree of political homogeneity with respect to other policy issues can not be ascertained from the data collected.

Perhaps most importantly, in Seattle there was no vocal political support from elected officials for civilian review. According to Mayor Rice, he personally did not support a civilian review board and most members of the council were ambivalent. The creation of a civilian auditor was a compromise in order to appease community groups.

The organization and orientation of community groups in both cities was a key factor for explaining the ability of the group to affect policy. In Seattle, Mothers Against Police Harassment and later the Coalition for Police Accountability, were analogous to more traditional protest groups. They were loosely organized coalitions mobilized in response to a crisis or critical event and engaged in consciousness raising and/or disruption pressure tactics. Both organizations were primarily reactive, as the bulk of their activities were in response to problematic policy decisions (e.g. reauthorization of Drug Traffic Loitering Ordinance, Acceptance of federal Weed and Seed monies, and creation of Civilian Auditor).

Limited organizational resources were likely a major contributor to the groups' choice of tactics. Both organizations consisted of volunteers and had minimal financial resources. Lacking the necessary infrastructure and resources of a more structured community organization, they were unable to provide sustained, consistent, and directed pressure.

In Oakland, People United for a Better Oakland (PUEBLO) as an organization was quite different. The organization began as a spin-off project of a larger organization, the Center for Third World Organizing (CTWO). After a community survey demonstrated a concern for police accountability and community safety in Oakland's lower-income neighborhoods, CTWO instituted a broad-based five city campaign to address the issue of community safety and policing. PUEBLO received training from CTWO to support their work. Further, CTWO was able to obtain outside funds from a private foundation (at least \$50,000) to fund the campaign. Because PUEBLO was embedded within a larger organization and able to secured funds to support their work, they had a high level of organizational stability.

PUEBLO also used different pressure tactics than the groups in Seattle. Along with traditional protest tactics, PUEBLO also used a systematic and coordinated strategy. They researched and produced data to support their positions, narrowly targeted their demands, and offered specific solutions to problems. The group also forged partnerships with other community organizations, particularly the local chapter of the ACLU. The group worked closely with an ACLU representative to present the Council with an authorizing

ordinance for strengthening the Civilian Review Board. By making specific demands and offering specific solutions, their arguments were more persuasive and political insiders took their positions more seriously. All of these factors were a significant influence in keeping civilian review on the city agenda.

In many ways, the Oakland city council constructed PUEBLO as the voice of the “community” on civilian review. However, one PUEBLO member believed that by delegating the role of “community” representative to PUEBLO, the Council framed the issue of civilian review as a struggle between PUEBLO and the Oakland Police Officer’s Association (OPOA) [OI EI 1997]. This allowed the Council to position themselves as “neutral arbiters” between competing interests, rather than an active proponent for civilian review.

Another persistent theme in both cities was the perceived tensions between police accountability and crime concerns. In both cities political leaders have been reluctant to take a strong public stance on police accountability for fear of appearing soft on crime. The belief is that appearing weak on the crime issue may have negative economic and political ramifications. From an economic perspective, businesses may not be willing to invest in a city that does not have “control” over the police, or is unable to assure adequate police protection. The political ramifications are somewhat more complex.

There are several political tensions that need to be negotiated when tackling police accountability. First there are enduring tensions between addressing accountability while appearing “tough on crime”. This is exacerbated by the overlapping patterns of victimization. That is, those communities most at

risk of being victimized by police harassment, abuse, or brutality, are also those most likely to be victimized by crime. The coalescing of police abuse and crime victimization concerns at the community level complicates efforts to address either concern. Within the community, sometimes the conflating of accountability and crime concerns are even apparent at the individual level.

For example, in Oakland, respondents in a focus group on police services criticized the police for harassing young black men in the neighborhood “who were just standing around not doing anything.” Later in the discussion, several of these same residents criticized the police for not confronting the local drug dealers who loitered in the neighborhood. When pressed however, many were unable to clearly draw a distinction between those who were “not doing anything” and those who were “loitering” and dealing drugs. “Everybody knows who the drug dealers are” said one resident, “just ask the community.” [OI FG 07 1995]

Political leaders must often find a way of balancing what are perceived as competing interests within a given constituency. Negotiating this terrain is even more difficult for African-American political leaders who may have an electoral and emotional connection to the black community. Crime and accountability concerns need not be competing or conflicting interests. Indeed addressing crime without abuses of power is the mandate of the policing function in a democratic society. However resolving this tension requires a more thoughtful consideration of community dynamics than has typically been employed under the professionalized policing model.

Second, political leaders must balance the interests of community groups and police unions when considering civilian review. In Seattle, there was very little political support for the civilian review board, thus the auditor was offered as a compromise. The civilian auditor position was created to address citizen concerns, however since the auditor did not have direct influence on the disciplinary process, it was not a bargainable issue. In this way, the city attempted to neutralize both community groups and the police unions. In Oakland, the city purposely positioned themselves as neutral arbiters between the “community” and the union. By doing so, they deflected union criticism, while in some senses putting the onus of changing civilian review on PUEBLO.

Other Factors

The experience in Oakland also suggests certain weaknesses in the civilian review board model for establishing police accountability. One issue that arose in Oakland was the city’s efforts to regulate and to some extent “control” the work of a supposedly independent oversight body. Some argued that mandating completion of the police department’s citizen’s academy undermined the independence of the board. Having an attorney preside over civilian review board hearings may also substantively affect the board’s performance.

The city argued that having an attorney preside over board meeting was essential for legitimizing the board’s activities. Prior to the addition of an attorney, police officers complained that the lack of decorum and professionalism at board hearing gave the board the demeanor of a “kangaroo

court". The attorney adds a degree of legal formality to the proceedings and thus gives additional credence to board rulings.

However, legally formalizing the process means more stringent, legal standards of admissibility will be applied. This significantly limits the types of evidence they can be presented at board hearings. The circumstances surrounding police complaints makes it hard to provide legally acceptable evidence. Complaints often must rely on circumstantial evidence, or witnesses to the event whose objectivity and bias are likely to be challenged (e.g. friends or family) to substantiate their charges. The stricter evidentiary standards will restrict much of the evidence presented by complainants.

Formalizing the process may also be a means of limiting potential civil liability suits. Essentially a finding of police culpability by the board could be seen as an invitation to file civil suit. The city may be reluctant to support an entity which could assist in establishing legal liability. This is a primary reason the CRB in Oakland has traditionally not heard cases which are being litigated. Interviews with board members confirm that this has had an effect on the severity and character of the cases that came before the board. Serious and severe excessive force complaints with strong supporting evidence are more likely to litigate than other cases. The cases the board does rule on - those who do not litigate - are the least severe and often, the most difficult to substantiate. Since the sustaining rate is often used as a "measurement" of the effectiveness of civilian review boards, the low-quality of the cases that come before boards may depress the sustaining rate and ultimately undermine public confidence in

the board's activities. The additional constraints imposed by recent changes will likely perpetuate these problems.

In sum, politics in the area of police accountability, and specifically civilian review, involves walking a fine line along potentially volatile cleavages. Political leaders must denounce police abuse without appearing to hamstring police crime control efforts. They must also negotiate a solution that addresses the needs of community groups organized for accountability without raising the ire of police unions. Further they must develop means for establishing public trust in the accountability process without increasing the city's liability risks. This has meant that even when political leaders support civilian review, they are compelled to position themselves as neutral arbiters, rather than policy leaders.

Chapter 4 ***Community Policing***

Community policing has been touted as the answer to a myriad of urban ills. According to some of its more ardent advocates, crime prevention, fear of crime, social disorganization, physical deterioration, and weak communal life will all be positively affected by the implementation of community policing. Although municipalities across the country are implementing community-oriented policing programs, there is little in the burgeoning literature on community policing on the development and viability of these programs within the context of different municipal institutions. I believe this is a serious oversight. As discussed in Chapter 1, urban politics and policing research have diverged into two very different directions. There is very little research on the relationship between urban political decisions and police policies and this likely reflects the success of Progressive and professionalization reformers in isolating the policing function from the influence of urban political actors and separating it from other service delivery bureaucracies. Community policing directly challenges the isolationism associated with the professional reform model. Thus an analysis of the community policing policy making process holds important insights into how the existing institutional structure frames the interaction

between the police, political institutions, and the public.

This chapter discusses the impact of formal institutions and informal influences on formulating a community policing policy in Seattle and Oakland. The chapter will begin by briefly outlining the principles of community policing. I will then present both case studies, and then summarize the implications of these findings on the character of policy making on this policy question.

Community Policing

The term "Community Policing" is broadly used to refer to a general philosophy of policing and includes a range of programs such as "problem-oriented policing", "community-oriented policing", "neighborhood-policing", etc. The philosophy of community-based policing turns on reducing both the social and physical distance between the police and the community served. Thus community-based policing programs generally advocate developing the formal and informal communication lines between the police and the community through some degree of organizational decentralization (e.g. community-based substations, smaller beats, etc.), and increasing constructive contacts between the officer and the community (e.g. foot patrols, door to door visits, neighborhood meetings, etc.). In facilitating greater constructive communication and cooperation between the police and the community, community-based policing hopes to make police services more responsive to community needs as defined by the community.

Community Policing is an extremely popular policy, and major cities around the country are in the process of implementing community policing

programs. Federal funds have been an important catalyst for the widespread acceptance of community policing. In 1994, the federal government created the Office of Community Oriented Policing Services (COPS) to facilitate cities implementing community policing. COPS originally offered cities matching funds to encourage the hiring of community policing officers. COPS now also provides technical assistance, training, and other forms of financial assistance.

Oakland

As discussed in Chapter 2, Oakland's crime problems had been mounting since the 70's and the movement of many major private sector employers away from the city. With the introduction of crack cocaine, the residual crime problems became overwhelming. Open air drug markets began to emerge in the most impacted neighborhoods, and competition over turf and markets resulted in increased gun violence in these areas. By the early 90's, the city's homicide rates reached record levels, peaking in 1992 with 175 recorded homicides.

It is during this period of increased violence that the city became interested in community policing. Initially movement towards community policing was left to the police department. For example, in 1991 the police department opened its first community based substation in almost 40 years at the Eastmont Mall. After a particularly violent March in 1992 (nine homicides within a 4 day period, including two triple homicides and one drive by shooting), pressure to "do something" about the violence peaked. Elected in 1990, Mayor Elihu Harris was faced with coming up with a policy program for

addressing the onslaught of violence. Initially, it is reported, he considered announcing a state of emergency to introduce drastic measures for addressing the problem, Instead Mayor Harris announced a 15 point plan for improving public safety. [New York Times1992] His proposal focused on encouraging and enforcing more parental responsibility for the behavior of their children, new laws to ban cruising, and the expansion of asset forfeiture in drug and firearm arrests [New York Times 1992] Community Policing was also a critical component of the plan. In conjunction with several corporate sponsors the Mayor announced that a non-profit organization, Sharing the Vision would serve as a catalyst for developing a comprehensive revitalization plan for the city. The public safety component of the Sharing the Vision plan emphasized community involvement and responsibility in crime prevention and centered on community policing as the primary policy response to concerns about public safety.

In response to the political pressure to implement community policing, in June 1992 Chief Hart announced a community policing implementation plan. This plan entailed phasing in one dedicated beat officer for each existing police beat and using the new substation in the rear of the Eastmont Mall as a community policing station.

In some respects, opening the Eastmont station was a significant step. It was the first step at decentralizing operations since the closing of the eastern and western substations in the mid 1950's. Further, decentralization efforts, such as assigning dedicated beat officers and creating community police substations are common initial steps in moving towards community policing. However these

changes proved to be more symbolic than substantive. In announcing the program, Chief Hart issued a statement citing the plan as a continuation of the “long standing commitment to the philosophy of service that just recently has come to be known as community policing”. [Oakland Community Policing Task Force 1 1992] Many took these remarks as an indication of the Chief’s cynicism regarding community policing. The spotty implementation of the program confirmed these perceptions.

The first officers assigned to community policing received little training in community policing techniques and were under minimal supervision. There were no concerted efforts to alter the department’s organizational culture or integrate community policing as the department’s policing philosophy. Further, the Eastmont substation did not appear accessible to the community. The substation served more as a storage facility for confiscated gambling machines, guns, and other police equipment than a community substation. The stand-alone building was far removed from the Mall and major street thoroughfares. There were no windows and the building was partially surrounded by barbed wire. As one local news report stated, the station looked more like a “war bunker” than a community substation. [San Francisco Chronicle 1991]

There are several explanations for the initial police resistance to community policing. First, the philosophy of community policing contradicts many of the core values of professional policing. For example, under the professional policing model officers are discouraged from interacting with the political community and the public. Limiting the possibilities of informal

relationship between external actors and the police it was argued, would limit the avenues for corruption. Conversely, a core value of community policing is partnership building between police officers and the publics they serve. For officers who work within highly professionalized departments, there is a fundamental conflict between the values of community policing and the values of professional policing. Thus many officers feel community policing will bring “politics” and the “corrupting” influences associated with increased interaction with the greater community, back into policing.

The professional policing model held *crime control* as the primary mission of policing. On the other hand, community policing sees *crime prevention* as a primary goal. The emphasis on prevention rather than control, shifts the focus of police work from rapid response to calls for service, to the minimization of precipitating conditions which, left untended, may lead to criminal activity. This shift significantly broadens the types of activities in which police may become involved.

For example, if a community has problems with drivers speeding through the neighborhood, the professional model response would be to increase patrolling in the area and ticket speeding drivers. A community policing response may include increased ticketing, however the community policing officer would also work with the community and other city agencies to develop a broader range of solutions, such as installing speed bumps. Importantly, specific tactics or practices are not the factors that distinguish community policing from professionalized policing. Rather, engaging the community and

other potential resource holders in the process of developing solutions is the distinguishing characteristic of community policing. This type of policing requires a different skill set than those associated with professional policing. First, it requires officers to become actively involved in solving community problems. Second, it requires officers to think beyond the boundaries of the police department when developing solutions to these problems. Many officers believe the broadening of the police role under community policing takes officers away from doing “real” police work, such as crime fighting.

The flexibility associated with community policing is also problematic for many police officers. Shift assignments, overtime pay, duty details, seniority privileges, etc., are all critical factors for line officers. Negotiating work rules constitutes the bulk of union negotiation talks. However community policing requires officer flexibility in order to ensure officer accessibility and responsiveness to the community. Community policing officers may need to attend community meetings, work varying hours, and perform a range of duties in order to adequately address community needs. Flexible work schedules may reduce opportunities for overtime as police managers can arrange officer weekly schedules to accommodate unusual hours. Greater flexibility and variation in work assignments also makes it more difficult for unions to assure compliance with negotiated work rules and to ensure that all officers are treated equitably and fairly, thus unions are sometimes reluctant to support community policing programs.

Finally, community policing is often a labor-intensive program. As

officers are generally assigned to relatively small geographic beats, a greater number of street level officers may be required than under the rapid deployment, auto patrolling model associated with professional policing. However, even cities that politically support community policing may not be able to provide full fiscal support for the program. For police departments this situation is analogous to receiving an unfunded mandate. Police departments are told they must implement community policing, however they are not given the necessary funds to do so. Police departments may react in different ways. Some may implement community policing by shifting internal resources – consolidating some functions and eliminating others - in order to put more officers in the field. For example, some police departments have eliminated entire ranks or specialized units in the shift to community policing. This is problematic for two reasons. First it may result in an overall loss in sworn police resources as eliminated sworn positions may be replaced by civilians. Second, the elimination and consolidation of police functions limits the number of promotional opportunities open to officers. As police unions also negotiate MOUs governing the rules of promotions, they object to these types of measures.

Secondly, in order to curb costs, police departments may began to civilianize positions previously held by sworn officers. Over time, this can lead to a substantial decrease in the number of sworn officers, and a subsequent weakening of union influence over the department as civilian are often not covered under existing MOUs.

Setting The Stage: Early Policy Making Efforts

Frustrated with the lack of substantive change, the council began to take a more active role in developing community policing. In Sept 1992 the council appointed a Community Policing Task Force to direct the policy-making process. Chaired by former city council member Wilson Riles Jr., the Task Force was comprised of thirty two members appointed by the mayor and the council. Among the members were representatives from the public schools, Oakland Housing Authority, community-based organizations, clergy, merchants, ethnic organizations, and one member from each city council district. That the task force invited but did not request or require police participation in the task force suggests the group was willing to proceed with the development of a community policing program without police input. In the end, both the chief and Oakland Police Officer's Association (OPOA) representatives decided to attend.

Initially the charge of the task force was to develop "a proposed structure or superstructure for city-wide community policing" including a "funding mechanism" for implementing the plan [Oakland Community Policing Task Force 1 1992]. Within weeks, the Task Force was presented with a substantially narrower charge: "to evaluate options and develop recommendations for community partnership with the Oakland Police Department's current community policing deployment model. The role of the Task Force is not to direct police personnel, decide the number of officers deployed, when officers work, the areas where they work or any working conditions". [Oakland Community Policing Task Force 1 1992] The more limited focus of the task force was attributed to the OPOA's objections that the initial charge violated

contracted work rules.

November of 1992 proved to be a critical year in council elections. The 1992 elections were the first council elections after the 1990 redistricting. The 1990 redistricting recast city political boundaries in accordance with a substantial increase in demographic diversity. The new district boundaries sought to protect the political interests of the Asian and Latino communities by drawing boundaries that concentrated their populations. The city's first Latino council member was elected in large part due to the creation of a Latino-dominated district.

Further, in the wake of a serious scandal over a failed development project, several council members relinquished their seats. Successful candidates for these open seats employed a more grassroots based strategy than had been used in recent years. Subsequently the new council members were less beholden to traditional stakeholders, like the police association. The importance of the November elections is underscored by the wave of changes that followed. Two weeks after the elections Chief Hart announced his retirement. Less than a year later City Manager Gardner retired. By 1994 OPOA had formed their own political action committee in order to maximize their influence within the changed political environment.

In light of Chief Hart's retirement, the Task Force decided to disband and form a new Task Force after the next chief was selected. It was essential the next chief be supportive of community policing if it were to be accepted and implemented by the department. In their final report to the council, the Task

Force recommended that the new chief “be committed to community policing with demonstrated knowledge in community policing” [Oakland Community Policing Task Force 1 1992]. Although the Task Force stated otherwise, in many respects this precluded the hiring of someone from inside the department.

In Oakland, as designated by the charter, the City Manager appoints all department heads, including the chief of police. Given the saliency of crime and police accountability in Oakland, reserving this power exclusively to the City Manager has been heavily criticized. The political prowess of this particular manager added fuel to the concerns about delegating such a critical appointment to an administrative officer. City Manager Henry Gardner had been both praised and reproached for his administrative and political skill, and his ability to maneuver around the council and the mayor, often through loop holes in the city charter.

During the search, allegations were made that members of the black community, including the Oakland Black Officer’s Association (OBOA) and the black churches were mounting a political campaign to hire a black chief. [San Francisco Chronicle 1993] The OBOA, one of the first black police officer’s associations in the state, has had several acrimonious battles with the city, OPOA and police leadership over affirmative action and promotional policies. According to news reports, black leaders argued that partnerships between the police and the black community would only work if residents could racially identify with the police chief [San Francisco Chronicle 1993]. Fresno Chief of Police, Joe Samuels, a former Oakland Captain and officer in the OBOA,

applied for the position but withdrew his candidacy when Gardener announced he would be retiring. According to various informants and news reports, Samuels was "heavily recruited" to resubmit his name for consideration.[San Francisco Chronicle 1993].

The solicitation of Samuels candidacy drew criticism from the OPOA and members of the Latino communities. The police association objected to Samuels hiring because he was viewed as an "outsider", despite the 15 years Samuels spent as an officer in the OPD. The union saw the chief's position as the top promotional opportunity for officers within the department. By pushing for hiring from within, the union believed it was protecting the most coveted promotional opportunity. The union also believed "outsiders" would bring in unwelcome changes in to the department. Officers from outside would not have long-standing relationships with other officers within the department, thus they would be more likely to promote radical change than an officer who had established connections to the organization. Finally, prior to the retirement of Chief Hart, chiefs in Oakland were members of the OPOA and were represented by the union in negotiations. Samuels would be the first chief not represented by the union and this independence from union influence was a source of concern.

The Latino community believed Gardner did not take a serious look at Latino candidates because of his preference for a black chief. As Gardner had already announced his pending retirement, some alleged that he saw appointing the city's first black police chief as his legacy. Although the City Manager solicited recommendations from community groups, the perception remained

that the appointment was based on racial politics. Two days after announcing the appointment of Samuels to chief, City Manager Gardner retired.

Movement on community policing did not stop during the chief selection process. In January of 1993 the city signed a Memorandum of Understanding (MOU) with the OPOA to specifically cover community policing officers. This MOU allowed greater schedule flexibility than the standard agreement and gave community policing officer a 5% premium pay rate. The agreement however was rejected by the full membership. According to Union leadership there were concerns regarding setting precedence in releasing some officers from the standard agreement. Ultimately, an agreement was reached with the stipulation that participation in community policing would be on a volunteer basis only. This virtually eliminated the ability to widely implement community policing.

The Council also used the chief selection process as leverage to move forward with the implementation of community policing. Prior to hiring Samuels, the Council negotiated key provisions with interim chief Nichilini who was also a candidate for the Chief's job. The Council limited over time spending to \$4 million (half the previous years level), continued a hiring and promotions freeze, came up with a formula to put more officers on the street, and directed the department to hire civilian "Neighborhood Services Coordinators" to help implement community policing. According to the council, Samuels agreed to these conditions during the selection process. Three months after becoming Chief, Samuels had his first confrontation with the council regarding the implementation of community policing without additional funds. Although

Samuels expressed reservations about moving forward with community policing given resource constraints, he professed to be a “loyal soldier” and begin to redirect resources to a community policing unit [San Francisco Chronicle 1993a]. To support patrol functions while implementing community policing, Samuels disbanded one of the specialized drug units and returned the officers back to patrol.

Policy Planning

In January 1994, the Council passed a resolution adopting community policing as the guiding philosophy of the police department. Community Policing Task Force II (TF II) was also convened to devise a policy, financing, and implementation plan. Unlike Task Force I, TF II was primarily comprised of staff to council members and the Mayor. There were no representatives from the city manager’s office. Concurrently the Chief convened an internal Task Force to also devise an internal organizational policy and implementation plan (GOCOP). While TF II was developing a long-range plan for community policing, the Chief had begun to shift resources in order to create a community policing unit.

The make-up of TF II proved to have a significant affect on the policy making process. TFII was comprised primarily of political operatives from the city’s elected offices, this meant that the political interests of all eight seats and the Mayor would need to be considered, thus extending community policing to as many areas of the city as soon as possible was a priority.

How community boundaries would be determined proved to be a

common concern across districts. A critical point in defining boundaries was the relationship between the new community policing beats and existing council district boundaries. The representative from the mayor's office was particularly considered that there be no correlation because, "we have to make sure we aren't creating 9 mini mayors" [OI NM 1994]. Oakland has over 300 community organizations. There were 32 community organizations in one police beat alone. Much of the task force discussions focused on how meaningful community policing beats could be defined with respect to pre-existing neighborhood organizations and the communities cognitive sense of neighborhood boundaries.

Initially the task force considered purchasing beat reconfiguration software that could define beat boundaries based on a number of variables. When this proved cost prohibitive, the task force began looking at pre-existing geographic boundaries that might be helpful for defining communities. Interestingly, the city had several systems of community mapping available. Political district boundaries, enterprise zones, community development districts, empowerment zones, and school district boundaries were all presented as ways of thinking about community boundaries. Ultimately the task force decided to use school district boundaries as the baseline for mapping. Aides to the council then held community meeting to determine how closely the school district boundaries approximated the communities cognitive sense of boundaries. From this information the task force recommended an expansion from 35 to 57 police beats as part of the community policing plan.

Delineating the formal role of TF II also became an issue. The Task

Force understood themselves to be the formal policy-making body. However, some task force members expressed concerns that the Chief saw the Task Force more as an advisory body and that much of the policy was being devised by the internal task force (GOCOP). A crisis that erupted during the early phases of community policing underscored this concern.

Despite the fact that a comprehensive plan was not in place, the police department was under pressure to have a “community policing” program in place throughout the planning process. On many levels the early days of Community policing in 1994-1995 could be viewed as a less than successful effort. The creation of a group of officers separated from the rest of the department by pay, voluntary status, and work requirements, caused a great deal of internal friction. Many police officers saw the program as “imposed” by City Hall and a reflection of political interference in policing. That the police were asked to implement a new program without additional funds fueled this perception. The department was already under authorized staffing levels and the reassignment of officers from patrol to staff community policing underscored growing concerns about officer safety. These concerns were not completely unwarranted. Five officers had been killed in the line of duty in the previous three years, three while performing routine patrol functions. Diverting labor resources to a new, untested, undefined, and unfunded program seemed like a waste of scarce resources.

There was minimal buy-in throughout the organization, from line staff to management, primarily because the job functions of community policing

officers were so poorly defined. The officers received little training in community policing techniques and were under minimal supervision, further the ambiguity of their job function meant there was minimal accountability and few measures to assess how officers were performing. Given that an integrative departmental plan was in process, community policing operated as an island unto itself with minimal interaction with other departmental functions. The captain in charge of the unit and many of the first officers who volunteered were African-American, which led some to believe the program was racially motivated. The perception that community policing was a racially biased, "easy job" is reflected in the comments of one police captain I interviewed who thought the first community policing officers were just "a bunch of cops sitting around eating barbecue"[OI SD 1995]. Externally, the new community policing effort was hungrily received by a broad cross-section of communities in the city. The community policing officers were inundated with requests from citizens. Tales of full voice mails and non-stop beeper activity were heard frequently from community policing officers. Several of the officers requested transfers out of the program citing burn-out and the inability to handle the deluge of citizen requests.

Several months into the early implementation of community policing and TF II, information leaked to the media that the chief would be reassigning many of the officers from community policing back to patrol. The internal pressures regarding staff shortages, hiring and promotional freezes, and concerns for officer safety along with a chronically volatile situation at the Eastmont Mall on

weekends which taxed resources, led Samuels to shore up patrol at the expense of the fledging community policing program.

Task Force members complained openly about having to find out about the move from the local newspaper when they were supposed to be the policy-making and implementation body. When the rollbacks in community policing were announced, several saw this as an indication that the chief was not “on board’ in regards to the role of the Task Force.

Chief Samuels stated that the move was not a rollback in community policing, but rather part of a larger plan to reinforce that the whole department needed to be committed to community policing. Further, chronic problems in one part of the city (Eastmont Mall) diverted much of the weekend patrol resources to the area, leaving other areas uncovered. The council however was unconvinced regarding the move, one council member went as far as to say community policing officers would be reassigned “over my dead body” [East Bay Express 1994].

Ultimately the council and the Chief negotiated a compromise. Community Policing officers would work in the neighborhoods three days a week instead of the usual five and spend Friday and Saturday nights at Eastmont mall in East Oakland. Further the chief agreed to submit a report to the council outlining the implementation plan. In return the council drew \$272,000 out of emergency funds to match the federal funds awarded to hire 16 more community policing cops. Yet even with the emergency and federal funds, the department was still \$844,000 short for authorized hiring. The chief presented his 5 year

plan in Feb 1995. The plan was largely representative of the discussions from TF II. The department would configure and expand the beat designations, going from 35 citywide to 57. The final beat designations were loosely based on school district boundaries. The plan also called for the development of several Neighborhood Crime Prevention Councils throughout the city to be staffed by Neighborhood Service Coordinators. The crime prevention councils would serve as the “community” in specific areas and the coordinators would assist communities in community revitalization and self-policing activities (e.g. graffiti paint-outs, neighborhood clean-ups, citizen patrols) and also act as an intermediary between the communities, the police, and when necessary, other city agencies. The chief priced the full plan at \$54 million.

The city council was not convinced that the police budget requests were necessary. The police department already absorbed a substantial portion of the city’s General Funds. Despite an attempt by the council in 1993 to limit overtime spending, overtime costs were still high. Further, council members were concerned about the rise in civil liability settlements due to police misconduct. [OI CCI 1995]. In interviews with city council members, many expressed frustration in trying to affect change in the police department. As one member told me “Trying to get things done with the police is like trying to chip out concrete with a toothpick.” [OI ET 1995] This member also suggested that earlier limitations on the police budget was in reaction to the unresponsiveness of the police department, “We were inclined to protect fire this year instead of the police because they weren’t being responsive”. [OI ET 1995] In order to

assess how efficiently the department was using its resources the city contracted the Police Executive Research Forum (PERF) to audit the department and to suggest ways to cut overtime and maximize department resources.

According to the PERF report, a large part of the overtime problem was attributable to the budget cuts the department had absorbed. The report stated that the department had sustained over \$11,000,000 in cuts over the past 3 years. [PERF 1995] Primarily these cuts were the result of a hiring freeze which not only forestalled hiring, but also did not replace officers who terminated. Further civilianization of positions previously held by sworn personnel and decreased the number of sworn officers. In 1970 the department employed 780 sworn and 285 civilian personnel. The recession of the late seventies brought the number of sworn to it's lowest in 1981 with 626 sworn and 285 civilians. By 1995 the ratio of sworn to civilian personnel was 699 to 404 [Oakland Police Department Annual Report 1995]. Although the PERF report found that the department was understaffed it also reported that the department was not exploiting available resources to their fullest potential and suggested over 150 efficiency increasing measures [PERF 1995].

An increase in civil liability claims suggests problems with police misconduct and perhaps, the existing accountability system. Focus Groups conducted with communities throughout Oakland found a lack of efficacy in the existing accountability system, particularly among racial and ethnic minorities

and the young.¹ The report recommended that the department continue to move toward implementing community policing in order to address the accountability problems.

Union negotiations

During the audit, the OPOA and the city were in negotiations over the new police contract. When the city attempted to gain new stipulations which gave management more prerogative over work, talks stalled and the Union threatened to take negotiations into arbitration. Administrative rules that governed negotiation procedures and charter provisions regarding binding arbitration proved to be a major obstacle in securing these managerial prerogatives.

Charter rules governing binding arbitration were the trump card held by the association. In exchange for including a no-strike clause in their contracts, the OPOA contract allows for negotiations to go to binding arbitration when the process reaches an impasse. The arbiter has the authority to devise a contract based on established rules to which both parties are bound to comply. The two key rules are comparability and beneficial past practices. In establishing comparability, the arbiter assesses how certain contract provisions compare to other city's in the region. The arbiter then considers whether any revisions would affect "beneficial past practices". Under the rules of arbitration, no contract provision will be accepted if it eliminates or alters practices which are beneficial to the police. Essentially, once a beneficial practice has been

¹ PERF report

established, it can not be altered or rescinded with out the consent of the union membership. The binding arbitration rules not only discouraged the Union from compromising, but also were a powerful threat during the negotiation process. Further, since binding arbitration was in the charter, any amendment to the procedures would have to be put to a general vote and required a supermajority to pass.

Recognizing the limitations of having binding arbitration rules established in the charter, obtaining changes in the rules was a key issue when the city was considering charter reform [Oakland Charter Reform Commission 1996]. According to a city informant, during a closed session, the council decided to table any efforts to change binding arbitration rules for three years. Unable to change the rules, the council moved the conflict into the public arena. However the public conflict centered not on the problems with binding arbitration, but rather with the inclusion of a residency requirement in the union contract.

Although somewhat tangential, a residency requirement could be considered a community policing reform. Encouraging officer residency within city limits is often proposed as a means of increasing officer allegiance and sensitivity to the communities they serve. City informants believed however, that the shift in focus to the residency requirement represented a symbolic gesture on the part of the Council to “stand-up” to the union, as the residency requirement was not the most critical component for forwarding community policing, was considered constitutionally questionable, and was certain to be

litigated. Further, it only applied to officers hired after the approval of the contract, therefore no current police employees would be affected. The council reached agreement with union negotiators on a contract twice, both contracts however were rejected by the membership because of the residency requirement. In the end the council could not gain certain residency provisions in the contract. The contract was signed without the residency requirement, however the council passed a resolution that set geographic residency limits for all public safety employees. The union has vowed to sue if the city tries to reprimand or terminate any employee who violates the residency requirement.

After settling the contract with the union, the council again turned its attention to the implementation of community policing. During the contract battles little progress had been made on the expansion of community policing. After hearing a status report on community policing in April 1996, the public safety committee exploded when the Chief presented a revised plan in which community policing would be expanded throughout the city incrementally over a three year period. The plan also kept the number of beats at 35 rather than the 57 proposed by the Task Force II plan. One council member openly threatened to fire the City Manager if the program was not operational within a year. [City Council Meeting 1996a] The committee instructed the Chief to come back with a staffing plan that prioritized community policing and patrol. Resources for other police functions would then be approved on an as needed basis.

This move was unprecedented. One it questioned and sought to limit the chief's managerial prerogatives. Secondly it gave political actors significant

influence regarding staffing decisions and internal organizational structure of the department. This directly violated the doctrine of professionalization which sought to eliminate political influence on such decisions. It also moved to decimate one of the sacred cows of professional policing - specialization. For several weeks, questions regarding how many officers were needed and what functions were necessary brought issues to a head with open threats of firing the city manager and by extension the police chief. Police officers began soliciting supportive community members that at been active in community policing and other police initiatives to testify on the department's behalf.

In June of 1996 the council effectively closed negotiates with the chief by passing a resolution adopting most of the Task Force II plan. The resolution delineated the specific structure of the program, the timeline, the establishment and rules of neighborhood councils, renamed all police officers community policing officers, determined how long officers would be assigned to beats, directed that special units should be decentralized to the extent possible, and created a permanent community advisory body to "monitor and evaluate the implementation process and report back to the council regularly on progress". The Community Policing Advisory Board originally consists of 9 members (later expanded to 15) with the Council appointing the majority. Further the Council approved funding for the advisory board to attend conferences, observe other community policing programs and retain consultants as needed. With the creation of the Advisory Board, the Council effectively created another permanent (albeit advisory) mechanism to oversee the police department

implementation of community policing. At this writing the department has still not fully implemented community policing.

Since his appointment, Chief Samuels has been under a great deal more scrutiny by a number of external and internal constituencies than his predecessor. This is largely due to perceptions of bureaucratic unresponsiveness directed at the police specifically and at the City Manager form of government more generally. The lack of progress in community policing was used politically to illustrate the ineffectiveness and unresponsiveness of the current system. During the debates over community policing, the mayor and a majority of the council supported a strong mayor ballot proposal which would have eliminated the city manager's office and created a chief administrative officer accountable to the mayor. The council also reorganized the administrative structure of the city. This reorganization created an agency administrative structure and eliminated the deputy city manager positions. Since budgets are allocated on an agency basis and the city manager administrative staff was cut significantly, this increased the council's influence over the bureaucracies.

With the political and administrative attack on the prevailing institutions, the chief has not been afforded the insulation from political influence usually associated with city manager forms of government. Internally he faced an openly hostile police association. Externally he faced a community besieged by crime and distrustful of the police, and a city council bent on implementing community policing without delay. Thus the process of bringing community policing to Oakland has been largely driven by the political interests

of the city council who saw taming the police as a critical part of a broader effort to control an unresponsive administrative branch.

Seattle

In Seattle, community policing began from the bottom up with community groups in Southeast Seattle. Southeast Seattle demographics began to change significantly in the post WWII period. Two large public housing complexes were built in the area during the fifties. Concurrently the gentrification of the traditional home of the Seattle's black community, the Central District, led to a number of blacks moving to the Southeast. During the late 70's and early 80's Southeast Asian, Pacific Island, and Latino immigrants began to move into the area. By the mid 80's diversity in the South Seattle had increased substantially. 1990 census tract data indicates that the area is one of the most diverse in the city, and it is expected that the 2000 census will show even more diversity.

POPULATION CHARACTERISTICS

	SEATTLE	S. E. SEATTLE
Anglo	75%	40%
African-American	10%	30%
Asian	8%	25%
Latino	4%	5%
Other	3%	5%

Economic development in Southeast Seattle has not kept pace with other areas of the city and the area has experienced measurable economic decline. Some charged that banks and other investors had “red-lined” the area, making it increasingly difficult to attract new businesses and homeowners. [Fedan and Stotland 1991] The Boeing bust in the early 70’s severely impacted Southeast Seattle’s blue collar workers. By the latter part of the decade, crime in the area had become a problem. After the Boeing bust, activists in the area formed two business oriented organizations, Southeast Effective Development (SEED) and Southeast Seattle Community Organization (SESCO) in an effort to bring more resources and political attention to the area. Members of this organization were extremely effective in obtaining political influence, as five former members went on to serve on the city council, including future Mayor Norm Rice who

was one of the founders of SEED [Lyons 1995, 168]. In response to the lobbying of these community organizations, Mayor Royer appointed a task force to address the economic problems in the area in 1979.

Getting On The Agenda

Despite these early efforts to revitalize the area, when crack cocaine was introduced into the area in the mid 80's drug violations and related crime grew substantially. From 1983 to 1989 Narcotic violations in the city increased exponentially. [Seattle Police Department Annual Reports 1983-1989]. Southeast Seattle was also seriously impacted.

As the crime and drug problems became increasingly overt and sometimes violent, three different community groups began to organize around reducing crime and drugs: Operation Results, Neighbors Against Drugs, and an off-shoot of the Rainier Chamber of Commerce, the South Seattle Crime Prevention Council.

Operation Results was the creation of a former special operations veteran. Although the group claimed to have from 150-300 members representing a variety of racial and ethnic groups, one man appeared to be the main protagonist. An NIJ study of Operation Results described the organization's structure as a unique combination of citizen action and special forces command [NIJ 1992]. The group's leader conceded that the group did not operate as a traditional community organization. In his dissertation on community policing in Seattle, William Lyons claims nearly everyone he spoke to about the group, including its leader, invoked the word "vigilante" without

his prompting [Lyons 1995; 185]. The group's primary tactic involved a citizen surveillance system they called "citizen mobile watch". This involved having citizens sit outside of suspected drug houses in a car with a camera and a notepad. They would take pictures, record license plates, observe traffic patterns and then turn this information over to the police. Participants would often use flash cameras so that suspected dealers and buyers would know they were being photographed. The overt style of Operation Results gained them national recognition in 1992 when President Bush named them a "Points of Light" recipient. Despite this national acclaim, the group's tactics increasingly alienated them both from the community and the police. People in the community began to question the propriety of photographing suspected "drug users and dealers", and the police objected to Operation Results tactics.

Another group, Neighbors Against Drugs (NAD) also mobilized as crack hit Southeast Seattle. The group claimed to have a multi-racial membership with a number of low and middle-class homeowners. Unlike Operation Results, NAD was openly critical of Chief Fitzsimmons, arguing that his lack of attention to the neighborhood crime problems was a major obstacle. NAD was able to develop a relationship with the Precinct Commander in the South and were a catalyst in the creation of an Anti-Crime Team (ACT) in that precinct [Lyons 1995].

Community/police collaboration on crime issues through the activities of ACT resulted in a number of "innovative" police practices directed at addressing drug-related problems. One was the creative use of trespassing laws. In

cooperation with Business Watch and in concert with the Rainer Chamber of Commerce, business owners signed agreements with the Seattle police department giving the police permission to enter their property and confront or arrest anyone suspected of drug dealing without prior permission. Narcotics units began to concentrate on disrupting drug organizations rather than on street sales. The police also explored the possibility of loosening the standard for searches and seizures from “probable cause” to “totality of the circumstances” to justify police actions such as stopping people on the street or entering and searching a building. When these activities didn’t have much of an effect the police moved on to even shakier ground. [Fedan and Stotland 1991]

Officers began approaching suspected drug houses and “talking” themselves in without a warrant. A sergeant would approach the drug house and attempt to gain entry by announcing that he was a police officer. The police justified these actions because other social agencies (such as health, child protective services, or housing) inspectors were able to enter homes with out consent and the police believed this power should be extended to the police. Once inside, the officer would “request” cooperation from the residents, and seize any drugs, guns, etc. The objective was to destroy drug traffic by eliminating the product and putting the dealers on notice, not to make arrests. The police considered this approach a ‘community-oriented’ rather than a ‘arrest-oriented’ tactic[Fedan and Stotland 1991]. As a consequence of these activities, departmental procedures and policies and possibly, constitutional protections, were being disregarded or circumvented. In July 1986, the Chief

ordered an audit of the unit because of these accountability problems. The sergeant who headed up ACT was transferred from the precinct and ultimately left the department.

In March of 1987, Chief Fitzsimmons created ACT II to replace ACT I. This unit engaged in more traditional types of law enforcement activities and control was more centralized. Within six months, two deaths were attributed to ACT II operations. [Lyons 1995] These deaths had a significant effect on Neighbors Against Drugs. The group's complaints shifted away from criticizing Chief Fitzsimmons specifically and towards the issue of police brutality. When the group shifted interest from crime to police accountability, acrimony between the group and the Chief increased. More importantly the group began to lose influence with former supporters at the precinct level. Subsequently they became increasingly marginalized.

Obtaining Access and Building Relationships

The most influential group was an offshoot of the Rainier Chamber of Commerce, which became the South Seattle Crime Prevention Council (SSCPC). This group had many attributes that enhanced their standing in the community and their effectiveness in dealing with the police. First, many of the core members of SSCPC had a long history of residency and activism in Southeast Seattle, in some instances going back multiple generations. In the 70's, two future members of SSCPC created an ad-hoc Court Watch program that monitored the proceedings and judicial rulings of King County Superior Court judges. This ad-hoc monitoring program evolved into a 2 ½ year formal

study. The study found that eight judges were unacceptable, two of which were later defeated for re-election. [Lyons 1995]. These same members were involved in crime prevention activities in the early 1980's when they formed the Crime Prevention League to address residential and business burglaries. Secondly, as most of the members were small merchants and upper-class small business owners, the group possessed greater "social capital" than either Operation Results or Neighbors Against Drugs [Lyons 1995].

These factors had a significant influence on the group's ability to develop a close relationship with the local police precinct captain and several officers. While, the Chamber did have supporters on the council, the mayor and the chief, the key agents in initiating any widespread change, were not supportive. The mayor questioned whether the crime problems in the area were as bad as the group portrayed. The chief, brought in to clean up after an intelligence corruption scandal in the seventies, questioned the ethics and propriety of working so closely with citizen groups. The police precinct structure provided the group with an access point into the department when the political and administrative leadership were not interested in working with a community group on the issue of crime.

Seattle's police precinct structure was not originally intended as a means of decentralizing service delivery. While the precincts are accessible to the public because of their proximity to the neighborhoods, the motivation was not to decentralize decision making or to necessarily encourage neighborhood accessibility. Rather, the neighborhood precincts were primarily used for

efficiency purposes, so that officers would be closer to their beats and to precinct resources. However as crime concerns grew, more groups began to lobby the precinct command staff directly. Three groups emerged as the key organizations vying for access to the police. The police disagreed with the tactics of Operation Results and the scrutiny and criticism of Neighborhoods Against Drugs. Thus the Southeast Seattle Crime Prevention Council (SSCPC), a group composed primarily of high status, white, business elites, and concerned primarily with supporting police activities, became the preferred community group with which to work. Further, the SSCPC was a closed membership organization. Participation was by invitation only and invitations were extended to the representatives of other organizations. The closed, stable, small, and elite nature of the group, eased the concerns of the police. As one study said, the police were willing to work with the Chamber because they weren't just a bunch of "complainers", and the police felt they could "trust" them [Fleissner1991].

Ethnic and racial representativeness was not a critical factor for the group. Representation in the group was overwhelmingly white small business owners and merchants. Although over the years more of the black middle class had moved to the Southeast, most of the major black institutions, like the Churches were in the Central district. Further, black business owners in the Southeast were more likely to be members of the citywide Black business association than the local Rainer Chamber of Commerce. The Chamber did make some outreach efforts to recruit more racial and ethnic minorities, but had only marginal success. One prominent black minister cited the exclusive, crime

control emphasis of the group as a critical factor in dissuading black leaders from getting involved.

Importantly, the precinct staff could have chosen not to work with any community groups. In fact, refusing to work in partnership with community groups would have been a preferable response to the chief of police. The voluntary arrangement between the police and the SSCPC suggests that at least for some officers, there is less resistance to developing working relationships with communities, provided the "community" is perceived as sharing central values.

The SSCPC began to meet with the police department in 1987. Initially the relationship was rocky, with the local police resisting the efforts of the SSCPC members to become involved in the solving of problems, not just the reporting of them. Much of this was attributed to the resistance expressed by the Chief to working with community groups. Eventually, the SSCPC and precinct began to work in partnership and initiate operations such as ACT. When these activities appeared to circumvent departmental policy, the Chief closed the unit down, transferred the officers out of the precinct and created a second Anti-Crime Team ACT II controlled more directly by central command.

When the Chief began to rein in precinct activities, The SSCPC began to lobby Chief Fitzsimmons and the mayor more directly. After ACT II activities resulted in two deaths, the incident led the SSCPC to attempt to formalize the relationship between themselves and the police. [Fleissner 1991]

In late 1987, The SSCPC drafted a 15 point plan which formalized the

partnership between the themselves and the police and mailed a copy to the Chief and the Mayor. When several weeks passed without a reply, the SSCPC announced they would be holding a press conference to introduce the plan. At the press conference, several sources cite that the Chief took credit for the new “partnership” between the police and the newly created South Seattle Crime Prevention Council. The partnership formally recognized the SSCPC as the “community” in the SE area and mandated police/community partnership [Fleissner1991].

When Norm Rice was elected to the Mayor’s office in 1989, community policing moved to the forefront of the City’s agenda. Rice, a long time advocate for improved police accountability, ran on a platform that emphasized a multi-pronged approach to neighborhood revitalization. Addressing crime, drugs, and disorder were key provisions in his plan. Rice added 80 officers to the Seattle Police Department during his first year in office, supported the Drug Traffic Loitering Ordinance, and the controversial Weed and Seed program.

Rice, also has been a strong supporter of more broadly construed neighborhood based activism and revitalization. During the first years of his administration, he spearheaded new initiatives to create urban villages, created the Department of Neighborhoods, introduced the Neighborhood Matching Funds Program to provide matching city funds to support neighborhood based revitalization efforts, and spent considerable energy trying to garner support for the ill-fated Seattle Commons project. Rice saw Seattle has the next West Coast, international powerhouse and sustainable neighborhoods along with a world

class downtown were key provisions in his plan.

Electing a sympathetic mayor was essential for moving forward in community policing. Research has shown that strong and supportive leadership is a critical component for forwarding substantive change in police organizations. In Seattle, substantive change could not be accomplished without a change in mayoral leadership.

As political and public pressure to extend community policing throughout the city grew, Chief Fitzsimmons began to be openly criticized by the council and the public. [Lyons 1995]² When Norm Rice was elected in 1989, many believed the Chief's days were numbered. However, despite a relatively icy rapport between the two (based on archive correspondence), it appears Rice did not pressure the Chief to resign. In an interview, Rice spoke well of Chief Fitzsimmon's tenure, but suggested the Chief's time had come and passed. "Fitzsimmons was a fine chief, but he's more of an autocrat. He served the department well for 15 years and implemented a lot of innovations, but he was just too rigid." [Rice 1998]. In 1993, Over 3 years into Rice's administration, Fitzsimmons announced his retirement.

Although not designated in the charter, it has become a tradition in Seattle to form a citizen's committee to guide the search process in selecting a new chief of police. Twenty three citizens were selected to serve on the committee. The membership covered a broad scope of individuals and

organizations interested in the future of policing in Seattle; from critics such as the Mothers Against Police Harassment to representatives from the Seattle Police Guild.

The charge of the committee was “to solicit community input on the characteristics and qualities of a police chief that are important to Seattle residents and also on the public safety issues of importance to the community”[League of Women Voters 1993; S6]. The committee was to devise selection criteria, screen and interview candidates, and submit a list of three to five names to the Mayor for consideration. From the onset, it was made clear that the committee’s recommendations were advisory, and the Mayor was under no obligation to select a person from the list.

After the process was completed, four names were recommended to the Mayor. However it is alleged that a subgroup of the committee submitted a fifth name to the Mayor for recommendation, Norm Stampers. Stampers, Chief of Police in San Diego, CA. had a strong record in developing community policing in San Diego. Nationally he was considered one of the most progressive police chiefs in the country. Further, his reign in San Diego demonstrated that he was willing to pursue key organizational changes to support community policing. Rumors abounded about why Stampers name was added to the list. Some believed the subgroup that approached the Mayor were representatives of the gay community. Others believed that Stampers selection was due primarily to

2 For example, Lyons quotes Council member Jane Noland “I don’t think Fitzsimmons is open to anything. I think he’s a brilliant politician who has outlasted his usefulness here. And I’ve been very open

his history of organizational reform efforts in San Diego. Some even accused the Mayor of cutting a “deal” with Stammers regarding eliminating a high-level rank in the police department. One of the more vocal critics of the process and the selection of Stammers was the Police Guild, who felt Stammers would bring a “California-style” of policing to Seattle [SI PG 1996]. Rice claims Stammer emerged as the selection because they shared similar values and beliefs.

“ The committee voted to send four names and Stammers was very close to the top, 5 or 6. From the chair’s perspective, you should look at all the candidates. So I took all the tapes for the top candidates and took a look at them and I asked myself now why isn’t he in the top four? Stammers and I have shared value and perspectives. I also was impressed by his passion and commitment.” [Rice 1998]

Although the circumventing of the process did brook other criticisms, given that the Mayor’s prerogative was established from the on-set most were able to at least be reconciled with his decision.[League of Women Voters 1993]

Since Stammers appointment the city has become a model for community policing. The city has received a substantial amount of funding from the National Institute of Justice and other federal agencies to evaluate ongoing efforts and to fund pilot projects such as the departments Domestic Violence division. The initial partnership between the SSCPC and the police was used as the model for developing partnerships between communities and the police. A former leader of SSCPC went on to form the Neighborhood Justice Center, a non-profit organization which helps communities organize around crime. In 1985 the city passed Prop. 1, an initiative that significantly increased the funds

about saying that. I mean, I think he’s a real big part of the problem.”

available for public safety by increasing the business and occupancy tax.

Currently the city is using these monies to organize crime prevention councils in each of the city's neighborhood centers in order to facilitate the expansion of community policing. The neighborhood service centers were used as a base from which to build parallel crime prevention community groups. 62% of participants in the crime prevention councils are representatives from local businesses or the city's community councils, which critics claim are dominated by the upper middle class. [Seattle City Archives, Community Policing]. The police department has also created Precinct Advisory Groups. Precinct Advisory Groups are community representatives chosen by the police to serve as an overarching advisory board for the entire precinct. Participation in the Precinct Advisory Group is by invitation only and the groups are primarily composed of business representatives and the city's community councils.

The department has been a co-sponsor of several key community oriented and problem oriented policing conferences and has held free conferences and technical assistance for police administrators to assist them as they move toward community policing. Stampers has also created a special community policing bureau and appointed a civilian, female colleague of problem-oriented policing guru, Herman Goldstein to head the new bureau.

Seattle's move to community policing has also engendered resistance from the Police Guild. However the City has been able to construct negotiations to their advantage. In Seattle, the rules of union negotiation are established through state law. While the Seattle Police Guild has opposed some aspects of

community policing which forwarded significant changes in work rules, they have not been as powerful opponents as the OPOA in Oakland. First, although the department has begun to reorganize, there has not been a significant reduction in specialized units, a massive reassignment of officers, or substantial civilianization. Thus although the union is not fully supportive of community policing they also are not threatened. Second, Seattle's staffing concerns were not as critical as Oakland. The department enjoys a much higher officer to citizen ratio than in Oakland. Further, monies have been made available so there has been less of the zero-sum politics experienced in Oakland.

Variations in the organizations of the police unions and the rules of negotiation also seemed influential. In Seattle different bargaining units represent different levels in the police organization. The Police Guild represents Sergeants and below, the Police Management Association represents Lieutenants and above, and there is a separate bargaining unit for Dispatchers. In Oakland, the Police Officer's Association covers all officers except the Chief. Dispatchers in Oakland are not unionized. So essentially there is no "management" in OPD as the union bargains on behalf of all ranks. Thus it has been more difficult to gain certain managerial prerogatives because of the conflicts created by bargaining on behalf of the all sworn personnel.

Seattle had also traditionally used internal negotiators to negotiate contracts. However in the last negotiations they brought in a Labor lawyer who had formerly worked with the Council on Economic Advisors. The union believed they were facing a "hired gun" and responded in kind. [SI PG 1996].

The union brought in their own “hired gun” attorney, however at a high price. The members of the Police Management Association for example chipped in additional personal funds in order to hire the attorney. In the end the city didn’t get everything they wanted, but they were able to get key concessions regarding work hour flexibility without additional compensation.

Conclusions

Although community policing has been suggested as a solution to a number of police problems, in both cities community policing was pursued as a response to crime. As Scheingold notes, there are many political risks at the local level associated with publicly tackling crime. First, it is generally recognized that many of the broadly construed precipitating factors leading to criminal activity are out of the purview of local government actions. Since the crime fighting tools available to cities are quite limited, taking on crime as a political issue is a risky strategy.

Crime however can be a powerful valence issue, when it is handled carefully. Crime resonates across income and racial groups, so it can be a powerful mobilizing point. However, a severe “law and order” stance, or a political strategy that politicizes crime itself, can engender unwanted controversy and even counter mobilization. For these reasons, local leaders are more likely to politicize the processes of the criminal justice system, rather than the criminal activity itself. [Scheingold 1991].

Given the potential political risks and benefits of taking on the issue, it is not surprising that in this policy area, both cities, eventually took the political

lead and shaped the debate. In Oakland, the severity of the crime problem precluded ignoring the situation. Once the council put crime on the city agenda, however the council actively directed the policy process and shaped citizen policy preferences. Similarly in Seattle, once the mayor prioritized crime as an issue, the city also moved to shape policy preferences in ways in which the city preferred to respond. Community policing proved to be a politically advantageous way of addressing and managing crime as a political and a policy issue.

Agenda Setting

In both Oakland and Seattle, political leaders have approached the subject of crime somewhat tentatively. In Oakland, the crime problem had reached such critical proportions, it was impossible for the city to ignore. Interviews with City Council members found that across council districts there was strong support for the concept of community policing. Only one council member voiced any concerns about establishing community policing as the organizing philosophy for the police department. This council member represented the affluent Hills area. While he didn't object to community policing, he was concerned that the city was becoming over-organized and didn't need another entity for community organizing. Rather he believed his constituents would prefer a more visible rather than accessible police presence [OI ET 1995].

In Seattle, there was a great deal of political resistance to admitting there was a crime problem in the city. Seattle's crime characteristics are quite

different than those in Oakland. As the longitudinal crime rates show, Seattle has experienced far less violent crime than Oakland. Further, serious crime in Seattle is largely geographically isolated to specific areas of the city, such as the Central District, the Downtown area and the Southeast. When Southeast residents began to complain of crime, Mayor Royer was not convinced that the area's crime problems were as serious as community groups claims. Further, he was concerned that publicly acknowledging the city had a crime problem would negatively affect economic development efforts.

In Seattle, community policing made it to the agenda because the South Seattle Crime Prevention Council (SSCPC), an organization of community members with significant social capital worked with local police providers at the precinct level. In the 1985 and 1989 mayoral elections, Norm Rice, recognized the saliency of crime as a crosscutting issues and made addressing crime a central part of his electoral strategy.

“Crime is always a major issue. It’s the one thing people fear. Everybody fears violent crime. The problem is crime is often mishandled as a political issue. When it’s handled properly, you recognize that crime is a political, social, and public issue, and handle the issue carefully.” [Rice 1998]

Under his leadership, the city has moved aggressively to develop and implement a citywide community-policing program. The instituting of community policing in Seattle is viewed as one of the major achievements of his tenure as Mayor. Why, in both cities, has community policing been widely accepted and embraced by political leaders?

In part, this may be due to the rhetorical popularity of community policing. Community policing is a hard policy to hate. It purports to tailor police services to community needs, ameliorate tensions between communities and the police, and prevent crime from occurring rather than just reactively responding to crime after the fact. Further, as a broadly construed, community-based solution, community policing purports to improve responsiveness and service delivery city wide, rather than just to selected communities. There are also practical considerations.

In 1994, the federal Violent Crime Act offered matching funds for the hiring of community policing officers to cities implementing community policing. As Scheingold notes, the lure of additional funds for police services is a strong external incentive for cities and police departments to move towards change. [Scheingold 1991]

The political incentives generated from institutional structure in each city may explain some of the differences in the acceptance of community policing. In a district based electoral system, community policing can be a politically advantageous form of service delivery. First, as a neighborhood based approach, community policing may provide an additional avenue for council members to provide constituency service. Second in theory, community policing would allow for a diversity in policing styles, this allows the shaping of police services to fit the needs of specific geographic communities.

The literature on institutional structure suggests that district based councils experience more conflict than at-large city councils. This was not the

case in Oakland. In Oakland, crime was a politically salient issue for most members of the Council and the Mayor. The consensus that crime was a problem and that community policing was the primary policy prescriptive flattened out differences across district representatives and enabled the Council to act cooperatively and decisively. The need to serve specific district interests became somewhat of an issue in the drawing of beat boundaries and was much more apparent in the pressure to expand community policing to all districts. In other words, district interests were more salient in the distribution of services rather than in the support for the new policy

Conversely, an at-large electoral scheme may dilute the concerns of specific neighborhoods because of the minimal incentives for addressing specific neighborhood concerns in such systems. The at-large electoral scheme in Seattle minimized political pressure on individual Council members to take a leadership role on addressing these neighborhood concerns. Further, the Strong Mayor system, in which the Police Chief as well as other departments, reports directly to the Mayor, reserves most of the power of policy leadership to the mayor. While this system gives the Mayor significant power in the initiation and execution of policy decisions, it also can be a barrier when the Mayor is not supportive, because there are limited alternative access points. This was the case in Seattle under the Royer administration. Although community groups were eventually able to press their policy agenda through alternative means, the mayor proved to be a significant obstacle.

Making the police more directly “accountable” to community entities, may be another political benefit. In doing so, community policing may redirect and politically neutralize concerns about accountability. The legitimacy of community policing is based on the participation of “communities” in policing decisions. Research has shown however, that community involvement in community policing varies widely, both in terms of who participates and the level of participation [Sadd and Grinc 1994, Skogan 1990]. By narrowing community police concerns to crime, community policing may further limit the diversity of participation by filtering out those concerned with addressing police abuse from the process. Since the organizing entities for community policing are “community-based”, they do provide a form of community “legitimization” of the police and a measure of police accountability to the “community”. This relationship can be seen as supplanting the need for civilian review as an accountability mechanism. For example, the Seattle Community Policing Bureau Chief specifically stated that with the full implementation of community policing there would be no need for a civilian review board. [SI MN 1996].

Community policing has been a popular reform measure because it offered a number of political benefits and appears to neutralize some the political problems associated with crime policy making.

Citizen Access and Managing Citizen Demands

Institutional structure did affect how citizen interests were represented and on final policy outputs. In Oakland, the city council was the primary means of incorporating citizen interests and led the policy process. City council staff

formed the task force, organized the communities, developed the implementation plan, and eventually pushed through the implementation process. One advantage to having political actors as the primary representatives of community interest is that the issue was prioritized on the city agenda. One disadvantage however is that political considerations took precedence over feasibility. Political concerns about serving all council districts interests pushed the council to expand community policing to all areas of the city as soon as possible rather than nursing a pilot project, as they did in Seattle.

Throughout the process, the city manager's office was largely marginalized and sometimes attacked as being a part of the problem. This was largely due to the prevailing viewpoint among the cities elected leaders that the council/manager form of government was an ineffective system.

The bifurcation of political and administrative systems in Oakland made it more difficult for the city to manage citizen demands. In Oakland, external demands are primarily channeled politically, through the district-based electoral system. The administrative functions however are largely insulated from direct political and community demands. The police bureaucracy at the beginning of this study was highly centralized, and critical decisions (such as the appointment of the police chief) are under the purview of the city manager. This bifurcated system in which demands are aggregated geographically and politically, and administrative decisions are centralized and able to filter political and community demands, was the source of a great deal of conflict. As community policing became a political priority, the institutional insulation of the

administrative functions from external demands was perceived as a barrier.

Despite adopting community policing as the guiding philosophy of the police department in January of 1994, over two years passed before the council accepted a written policy and implementation plan. Indeed most of the “policy making” took place after the policy was passed

The high levels of community organization in the city exacerbated the tension between political and administrative responsiveness. There are over 300 hundred registered community organizations in the city, and one police beat in one of the most economically depressed areas of the city had 32 groups. A multitude of organized community groups however, can quickly become a political nightmare, particularly if group demands can not be met or channeled in ways in which the city is able to respond. Channeling these demands primarily through political channels puts the bulk of pressure to institute change on the City Council. Because of administrative insularity, the council has only a minimal influence on the administration and delivery of services. The lack of progress on addressing crime led to a great deal of cynicism (and sometimes anger) from residents who didn't understand why there was so much delay when the full council supported community policing.

The city manager was not only marginalized, but also often attacked as being a barrier to reform. The marginalization of the city manager on this issue reflects the growing discontent expressed by many city politicians regarding the limitations of governance under the manager/council form of government.

Since the political incorporation of the city's black plurality, the issue of

moving to a strong mayor form of government has been seriously considered on three separate occasions. The most recent attempt occurred during the policy discussions on community policing and was turned away by voters in November 1996. The lack of movement on community policing and other policy initiatives was used as an example of the non-responsiveness of the council/manager system of government.

According to news reports, the strong mayor initiative failed due to high turnout against the measure from the predominately Anglo "hills" area. [Oakland Tribune 1996] This voting pattern is an example of the long-standing fissure in Oakland's "political culture" regarding the appropriate form of public governance. While this fissure has clear racial implications in Oakland, it is exacerbated by the systemic "schizophrenia" induced by combining an electoral scheme which maximizes political "voice" with an administrative scheme designed to minimize it. Much of the story of adopting community policing in Oakland, centers on the actions political actors took to reconstruct or circumvent the administrative apparatus, in order to ensure the policy would be implemented. The battles over community policing in large part are illustrative of this larger political conflict going on in the city.

At this writing, Oakland is moving towards a community-based method for constructing community demands around crime. The Neighborhood Crime Prevention Councils are communities constructed for the purpose of identifying and prioritizing an area's crime problems. Much like the Seattle Crime Prevention Councils, Oakland's neighborhood councils are to be organized by

city personnel with the purpose of constructing community demands in ways in which the city can or prefers to respond. Early reports suggest this may serve the council's interest in two key ways. One it alleviated the direct political pressure on the council by creating an intermediary structure. And secondly, some council members have used the councils and the Neighborhood Services Coordinators to expand constituency services in their district.

Institutional features had an effect on managing citizen demands in Seattle as well. Seattle's institutions are bifurcated as well, however political demands are aggregated citywide while access to services is more decentralized. The at-large election system tends to dissipate community demands by electorally centralizing them. The city's administrative functions are also centralized, however access to services is more decentralized.

In the seventies community councils were created to accommodate the increasing demand for greater access to services from neighborhood-based organizations. Further, as the city has expanded community policing, it has created parallel advisory and community groups to implement the program. Seattle also has a police precinct system, with four precincts located throughout the city.

In Seattle, the neighborhood service councils and police precincts increased the points of access for city services. The neighborhood councils were created specifically for access purposes. The police precincts were primarily in place for efficiency purposes, however when concerns about crime grew, citizens were able to place demands directly on the police personnel responsible

for police services in their area. While groups continued to bring demands to the council, the mayor, and the chief, working with precinct staff directly allowed groups to influence police services in their neighborhood even when political and administrative leaders were not responsive. The precincts served as a point of access to the police for a critical community group when the chief and the mayor did not support the group's efforts to publicize and actively address the neighborhood's crime problems.

With the success of the SSCPC/police partnership in Southeast Seattle, the city began to actively constructed community crime concerns as it did earlier with other services. City organized communities construct citizen demands in ways in which the city can or prefers to respond. Thus, while it does provide direct access to service providers, it also marginalizes those who do not concur with the stated agenda. This is apparent in the relationship between police in the Southeast precinct and the three groups organized around crime. As two of the groups' tactics and interests diverged from that of the police, their access correspondingly diminished. Ultimately, the police chose to interact with a group who's perspectives and tactics most matched their own. These activities have had a moderating affect on community demands as communities organized (in some instances selected); by city personnel who may channel demands in ways in which the city prefers and has the capacity to respond.

In the civilian review decision process limited access may have been a means to control/suppress certain community demands. In community policing access was a means for forwarding change when street level providers and

community members can find common ground. A caveat however: granting access to preferred or selected groups, result in skewed or unrepresentative community bodies. This ultimately undermines the legitimacy of community decisions and may result in unrepresentative policies.

Labor Relations

The contractual obligations to the police unions were critical in both cities. Labor union representation of employee interests offers police officers significant advantages to the protections offered by civil service. Civil Service protections are static regulations primarily focusing on hiring practices, seniority privileges, and disciplinary procedures. Labor unions negotiate on behalf of these interests, however because negotiations are a dynamic and deliberative process, labor unions are able to secure more timely and beneficial practices for their members. Further, labor unions are able to negotiate some of the finer points of working condition, such as per diem for meals or reimbursements for uniform expenses.

While labor unions do a better job of protecting police officers interests, they can also complicate the policy-making arena. Managing employee relations through labor unions rather than civil service rules decreases the flexibility and in some respects responsiveness of city policy.

Community Policing requires flexibility. Many of the administrative procedures needed to gain this flexibility are points of negotiation in contract talks with police unions. In each city the contract negotiation were a make or break point for the forwarding of community policing. There were key

differences between the cities in terms of the opportunities for union political influence and internal union organization, which had an affect on outcomes and through contractual means.

There are variations in both cities in the political influence of the police unions and this is partly due to different electoral systems. Police officer residency rates in both cities are extremely low. In both cities roughly 85% of officers live outside of the city. Thus voting is not a political option. Most union political activity has focused on endorsements and contributions.

Union endorsement is highly coveted in both cities, however it is unclear how influential and endorsement is in campaign outcomes. The police union did not endorse Norm Rice in his initial winning mayoral election. In Oakland, a change in political organizing and electoral strategies has made candidates less concerned about union interest.

The at-large electoral system in Seattle has a tendency to dilute the power of campaign contributions. First, elections are more expensive, so larger contributions need to be made in order to gain influence. Secondly a number of candidates need to be funded if the intent is to elect enough like-minded council members to support your position. The at-large election system works to neutralize numerical minorities. In instances like the Civilian Review, it serves to dissipate the influence of racial minorities pushing for external police accountability. However in terms of community policing, it neutralizes the more conservative elements of the community like the Police Guild. This may explain why the Police Guild was a major financial supporter for a recent initiative to

move to district-based elections.

Theoretically, Oakland's district election system would allow the Union to more easily express preference through contributions. This influence may have been eroded by electoral strategies that shifted political action towards grassroots organizing and away from entrenched, monied interests. In response to changes in electoral politics, the OPOA created a political action committee in 1994 to channel funds to certain candidates. It's unclear however how effective these efforts have been.

The OPOA also has a long, established relationship with the local newspapers. The reporter covering the police beat has done so for over 25 years, and is unabashedly supportive of the police union. Subsequently the Union has been able to ensure their concerns and viewpoints receive regular media coverage. Along with close ties to the local media, the influence of the OPOA is also heightened by the fear of crime in the city. Some have argued that placating the Union may be a political trade-off in a city besieged by crime. As one local columnist wrote "Is it so bad for the Union to get it's way when the crime problem is so serious"? [Oakland Tribune 1996]

Although the political system in Oakland should allow the union to exercise more direct political influence, changes in political strategies appears to have eroded some of these advantages. The result is that the union's ability to influence public opinion through the media and direct public appeals may be the most important means of affecting politics.

There were also significant variations in how the unions were organized

in each city. In Seattle different bargaining units represent different levels in the police department. The Police Guild represents Sergeants and below, the Police Management Association represents Lieutenants and above and there is a separate bargaining unit for Dispatchers. In Oakland, the union represents all officers except the Chief. Dispatchers in Oakland are not unionized. Essentially there is no "management" in OPD as the union bargains on behalf of all ranks. Given that the union leadership is comprised primarily of officers of various ranks this presents a conflict of interest. In other words, line officers have significant influence in bargaining the salary, working rules, and disciplinary powers of their superiors. Thus it has been more difficult to gain certain managerial prerogatives because of the conflicts created by bargaining on behalf of all sworn staff.

The differences in labor relations have had a significant impact on the ability to secure important managerial prerogatives in the negotiation process. In Seattle, the city was able to negotiate terms with Union and secure certain prerogatives. In the most recent contract, police managers are given greater discretion in managing community policing officers. Thus, with adequate notice they are able to schedule community-policing worker more liberally than other officers. In turn, community-policing officers are given premium rates on any overtime that extends beyond these limits.

Conversely, in Oakland community policing officers are covered by a separate MOU. The MOU requires that community policing be staffed by volunteers only and that all officers receive 5% premium pay for joining the

unit. The restrictions imposed by the MOU have made it far more difficult to expand community policing throughout the organization.

Fiscal Constraints

How to fund a new, labor intensive program was an issue for both cities. In Oakland, fiscal concerns were a major reason for lack of progress in community policing. Indeed it could be argued that had the monies been available, the conflict over community policing would have gone out with a whimper rather than a bang. Fiscal limitations, however are a reality for most cities in the U.S., and Oakland's fiscal situation has been particularly precarious. With limited sources of income, Oakland has increasingly resorted to cannibalizing it's bureaucratic infrastructure in order to direct funds to critical agencies, like the police. Given this, the Council felt justified in micromanaging police budgetary requests. Fiscal constraints were a key impetus for getting the Council more involved in the process. The Council was also able to use the allocation of resources as a point of leverage against the police, making it clear that additional resources would only be forthcoming when reforms were instituted.

Seattle's fiscal circumstances were quite different. Although the city did experience budget shortfalls in the early 90's, Seattle's economy has been particularly strong. In 1989 Prop 1, an initiative that earmarked funds generated from an increase in business and occupancy taxes for public safety, established a pool of funds for expanding the city's community policing program and other crime prevention measures. Further, the city has been very successful in

garnering federal funding to support community policing and other policing innovations. The availability of funds may be a major reason for the lack of acrimony in the expansion of community policing.

In sum, crime is a political issue with potential benefits and significant risks. Once the decision was reached that crime would be on the city agenda, political leaders took steps to contain the risks and maximize the benefits by actively shaping the policy process and policy preferences. Specifically, how citizen demands were shaped and channeled was a significant factor in managing the issue. Community policing is a good method of minimizing risk while maximizing benefits. Community Policing is very malleable and vague, therefore it can speak to a number of policing issues. Further it seeks to breakdown some of the most pernicious aspects of professionalized policing. In Oakland, the police came to symbolize the frustrations with the administrative fragmentation and bureaucratic unresponsiveness associated with progressive reforms in general. And the principles of community policing are laying the groundwork for community-oriented government. In Seattle, community policing served as a means of effectively organizing and managing citizen crime. For slightly different reasons, in both cities community policing has been widely embraced as the primary policy solution to crime.

Chapter Five
“Taking Back Our Streets”:
Public Space and Public Order Policing

The previous data chapters dealt with policy-making at the upper levels of municipal government. In other words, how municipal executives, legislatures, administrators, and the public interact and make police policy given specific institutional arrangements. Chapter three discussed the relationship between ethnic minorities, political leaders and police unions in the policy area of civilian oversight. Chapter four looked at how these parties interacted in the development of a community policing policy. This chapter will look at the question of police policy making from a different perspective; the efforts of policy makers to develop and implement policy to instruct specific street-level police behavior. For reasons discussed below, an analysis of policy outputs and outcomes at this level will provide additional insights on an increasingly prevalent area of police policymaking.

Public order or order maintenance policing refers to police activities that focus on behaviors considered disruptive or disorderly to the normative order of a particular environment. The establishment of “norms” is inherently tied to broader societal or communal values. Because of this “public order policing” is perhaps more directly “political” than other types of police activities. How the

normative order is defined, by whom, and how it is enforced in public space are the subjects of this chapter. An analysis of how “order” is constructed and preserved in public spaces is particularly useful for understanding the evolving relationship between politics, the police and the public. Further, this chapter attempts to develop conceptual terminology for understanding the dynamics of public order policing through in-depth case studies of different “order” problems.

Both Seattle and Oakland have recently addressed the issue of order maintenance policing in public spaces, but in very different contexts. In both cities the conflict around public order involves behavior termed either inappropriate, intimidating, or disruptive for specific public spaces. This chapter will first discuss case law in three areas: The regulation of First Amendment rights in public spaces, the legal demise of broadly defined “status” crime statutes, and judicial rulings on begging. This is to establish the legal framework within which the police operate and its influence on policy options and police strategies. Secondly, I will discuss the specific issues in each city around public order, how each city responded to the problem, how these responses differed, and then offer explanations for why they differed. Last I will discuss these responses in relationship to the larger question regarding police policy making

Public Space and The Court

Since the 1930's the Court has grappled with the issue of legally defining

“public” space in regards to First Amendment protections.¹ For the Court however, the distinction between public and private space is not based on ownership. “Public forum” doctrine attempts to define rules for regulating speech in public space based on the normative patterns of usage.² Although this is highly simplified, the Court has basically developed three categories of “public” space. These spaces have varying First Amendment protections based on traditional or normative usage patterns, whether the space has traditionally or normatively served as a forum for protected speech, or whether the space serves an instrumental purpose which justifies regulating public speech or access.³ For example, under this scheme, public parks are held up as the epitome of “public fora”, whereas government buildings, particularly those in which public access could compromise the instrumental purposes of the governmental function, may restrict public speech and access substantially, if not entirely (the most obvious cases here would be security-oriented functions such as the Pentagon, CIA, FBI, etc). Commercial areas like shopping malls or business districts lie somewhere

1 Early cases include: *Hague v CIO* 307 US 496 (1939); *Schneider v. State* 308 US 147 (1939); *Cantwell v Connecticut* 310 US 296 (1940); *Cox v New Hampshire* 312 US 569 (1941)

2 The following quote from *Hague* illustrates the Court’s early emphasis on preserving and protecting specific “public” spaces as arenas of unrestricted access and speech.

“Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.”

However the term “public forum” is indebted to a Law review article by Harry Kalven Jr. *The Concept of the Public Forum: Cox v Louisiana* 1965 Supreme Court Review. Kalven’s article gave shape and form to the principles established with *Hague*. Since that time commentators, as well as the Court, have appropriated Kalven’s terminology in fleshing out the boundaries of speech and action in public space.

3 *Greer v. Spock* 96 Sct 1211; 424 US 828

in-between these extremes. [Post 1987]⁴

A related strand of rulings on behavior and public space began in the 1950's when lower courts began striking down ordinances and statutes that specifically attempted to regulate "status" crimes in public space. "Status" crimes refer to those violations that penalize individuals based on their station rather than the commission of a criminal act. For example, the traditional vagrancy and anti-loitering statutes were promulgated on the belief that vagrants and those "hanging around" without a specific destination or purpose were disorderly, disruptive, and more likely to engage in criminal behavior. In many cases, the cities explicitly wanted to expel the poor and indigent. The Court found these "status" laws overly broad, too vague, and unfairly punished the status of the individual rather than their actions⁵. These rulings led to a more detailed legal explication of actions, which constitute public nuisances.⁶

The Court has also considered whether begging in public spaces is protected speech. In general, the Court applies intermediate scrutiny in regards to soliciting money for charitable reasons and on occasion has used strict scrutiny.⁷ In some instances, courts have made a distinction between charitable

⁴ See Robert C. Post *Between Governance and Management: The History and Theory of the Public Forum* UCLA Law Review Vol 34:1713 1987 for one of the best analysis of the development and current state of public forum doctrine. Essentially the Court has moved away from seeing the public forum as possessing unique properties and finds in many cases there are valid justifications for regulation based on time, place, and manner of regulation.

⁵ *Papachristou v. Jacksonville* 405 US 156 (1972); *Kolendar v. Lawson* 461 US 352 (1983)

⁶ Model Penal Code

⁷ *Schneider v State* 308 US 147 (1939); *Riley v National Federation of the Blind of North Carolina* 487 US 781 (1988).

donations and begging, finding the latter more amenable to restrictions and regulations.⁸ Other lower court decisions have defined begging as a passive activity and that accosting or “intimidating” a passerby is not protected speech.⁹ The Supreme Court has also ruled on whether sleeping in public constitutes protected speech. In *Clark v. Community for Creative Non-Violence* the Court upheld the National Park Services ban on homeless camping and sleeping across the street from the White House despite the plaintiff’s claim that sleeping in the park was an act of political protest.¹⁰ One author’s survey of case law on the issue of begging found that courts generally deferred to lawmakers if the efforts to regulate panhandling were narrowly tailored, did not infringe on protected speech and were not part of an effort to harass the homeless.¹¹

These rulings illustrate one dimension of the classic tension in American law between liberty and order or to invoke the contemporary phrasing of this dichotomy, rights vs. responsibilities. Rights, as many commentators have noted, reify individual liberty often at the expense of communal concerns. The debate over behavior and decorum in public spaces illustrates how courts have struggled with the problem of protecting individual freedom while preserving

8 *Arizona ex. rel. Williams v City Court Tucson* 530 P.2d 1166 (Ariz Ct. Appeal 1974)

9 *Ulmer v Mun. Ct* 127 Cal Rptr 445 (Ct. Appl 1976); *Blair v Shanahan* 775 F.Supp 1315 (N.C. Call 1991)

10 468 US 288 294 (1984)

11 William M. Berg *Roulette v. City of Seattle: A City Lives With It's Homeless* Seattle University Law Review Vol 18-147-. Typically, courts look at the legislative intent and the city’s history in dealing with the poor and indigent to assess whether the ordinance is an effort to harass the homeless or a good faith effort to uphold community standards of public order and decorum..

communal conceptions of order. The individualistic, rights-oriented, nature of case law may make it particularly difficult to resolve conflicts over public order, which are often ambiguous and intrinsically communal, in the courts. The Court's efforts to codify the regulation of public space reflects a sensitivity to these concerns, however many commentators believe this categorization has created confusion rather than clarity [Post 1987]. Further, these cases are often brought forth on behalf of one or a few plaintiffs, thus some critics believe courts are more likely to err on the side of individual rights rather than support communal values [Kelling and Coles 1996]. The legal rulings on behavior in public space are particularly relevant to the Seattle case, however these issues are salient and relevant to a number of cities. Ordinances aimed at maintaining public order and decorum appear to be on the resurgence in municipalities across the country¹². San Francisco passed 11 public order ordinances as the basis for Mayor Jordan's Matrix program in the early 90's. In 1994 alone, three extremely liberal California cities (Santa Cruz, Berkeley, and Santa Monica) passed laws for controlling street behavior. There also have been a flurry of legal writing on the topic of regulating street behavior, due primarily to the challenges to these new laws.

The increased emphasis on order in urban centers is largely due to three

¹²In 1993, a 16 city study by National Law Center for the homeless found a significant increase in number of anti-loitering and other public order statutes in the previous two years. Or for policy examples, Kelling and Cole's work Fixing Broken Windows chronicles the efforts of cities to re-institute and reinvigorate these statutes in New York, Seattle, and other cities.

trends. First is the increase in the number of street people.¹³ The estimated number of people living on the street varies widely, largely due to disagreements over defining the “homeless”. It is certainly true however, that the number of people who live on the street has increased substantially over the last two decades. There also appears to be a substantive change in the types of people living on the street.

Traditionally street people and skid row residents have been older, single, periodically or chronically unemployed men. While the majority of street people are still single adult men (Most sources estimate 50%), there have been substantial increases in the number of single women and mothers, families, and youth [Burt 1992]. More importantly for my purposes, the number of substance abusing and mentally ill street people appears to have increased. One source contends that more than half the homeless population has been institutionalized in a mental hospital, a chemical dependency in-patient program, or a state or federal prison [Burt 1992, 24]. The erratic and unpredictable behavior of mentally or substance impaired street people may explain the increased apprehension and fear many feel towards all street people.

Secondly revitalizing the Central Business District (CBD), the traditional site for street people, is a prime directive for most central cities. However, these revitalization efforts have reduced low income housing options in these areas and may have inadvertently resulted in more people living on the streets [Jencks

¹³ I use the term “street people” because it is a much less contested and ideological term than “homeless”. Recent research questions whether the term “homeless” captures the diversity of those who

1993]. Further, luring both businesses and consumers from the suburbs back to the central cities is often difficult because of the perception (and reality) of disorder and crime. Economic development efforts are frequently paired with commitments to “clean-up” the central business district. The success of commercial, entertainment, and business districts is often based on the city’s ability to attract consumers and/or residents from the surrounding suburbs back to the central city. In many instances, CBD revitalization has brought upper-middle and middle-class, older, suburbanites into closer contact with increasingly unstable and intimidating street people.

Finally, changes in the “underground” drug economy and the growth in youth gang membership have incited many cities to legislate anti-loitering ordinances and pursue civil injunctions against known gang members. The introduction of crack cocaine substantially changed the character of drug dealing in many inner cities. Drug dealing has typically been an “underground” activity, occurring away from the public eye. Crack cocaine is less costly to produce and far more addictive than powder cocaine. These factors made crack cocaine the drug of choice for many inner city drug users. As demand increased, many dealers began to flagrantly deal drugs openly in what have been termed “open-air drug markets”. These markets often emerge around neighborhood liquor stores or free-standing pay phones, however there are many located within residential areas. Anti-loitering ordinances began to emerge as a legal means for

live on the street. (See Christopher Jencks The Homeless for example).

police to intervene and disturb these markets. Further, many cities are now enjoining known gang members to prevent them from engaging in a broad range of activities in specific public areas.¹⁴

“Homeless” In Seattle

According to city officials, Seattle problems with public order began in the early 80’s and focused on a few critical commercial districts (Pioneer Square, Pike’s Market, The Alaskan Highway and the U-District). These areas have for a number of years been associated with down-and-out or eccentric street people. Particularly Pioneer Square, a centrally located commercial/entertainment district that has been targeted for much of the order maintenance policing. While street people have long been a feature in the area for decades (Pioneer Square is the country’s original “skid row”), city officials and developers attempting to revitalize these areas found that intimidating and disruptive street people deterred suburban, middle-class shoppers from coming to the downtown area.

As one local writer noted, Pioneer Square is a virtual “candy store of cultures”. [Morrow 1991] The history of the area goes back to the founding of the city. Over time, the area became the center of “adult” entertainment in the city and the place of last resort for the poor, indigent, or unemployed [Morgan 1960]. Gentrification of Pioneer Square began in the early seventies when the area was declared a special review district and historical landmark in the face of

14 For example, *Gallo v Acuna* 929 P.2d 596. In this case the California Supreme Court upheld a San Jose ordinance forbidding known gang members from congregating in public.

developments that threatened to erase historical touchstones. Pioneer Square merchants wanted to retain the areas turn of the century architecture for preservation and commercial reasons. The plan for the Historic district emphasized the need to renovate the “image” and “quality” of the area while retaining “authenticity” and “diversity” [The Makers 1974] Solutions for dealing with the areas needy and indigent were only vaguely alluded to in the plan. Since that time historically sensitive renovation has been the rule. The city has retained many of the “skid row” markers, such as signs advertising beds for 25 cents, Beer for a nickel, and a sculpture of a “skid row” bum lounging on a bench in adjacent Occidental Park. Recently, the police have begun to patrol the area in replicas of 19th century vintage uniforms.

Attracting tourism was a major impetus for declaring the area a historic district and the areas “skid-row” history is a large part of its tourist appeal. In the sixties, one local resident began to run tours of Seattle’s “underground city”. Out of work actors provide guided underground tours of the city’s original streets and buildings which were destroyed by fire and then buried when officials decided to fill in the area and build on top of the wreckage. Stories about prostitution, corrupt politicians, and “skid-row” bums in the ‘good old days’ provide the narrative.

With renovation came increased diversity in the people using the space as merchants and artisans moved into the area. Pioneer Square has also been the center of the Seattle “grunge” music scene, so young grunge devotees, college students and other bar-hoppers can also be found there, particularly on weekend

nights.

The irony of removing the down and out from “skid row” hasn’t escaped the city and for that reason (along with civil liberty concerns), the city is interested not in removing street people wholesale, because as one source told me “they add character”, but in regulating the behavior of some of the less well-behaved street people. [SI CL 1996].

There are indications that the number and characteristics of street people has changed over time. One source estimated that in 1995, between 3,900 to 4,000 people are on the street on any given night in Seattle. Approximately 500-800 are youth. [League of Women Voters 1995, 3] An estimated 50% of street people in Seattle are single adults, 85% of this population are men. [League of Women Voters 1995, 3] Increasingly minorities are finding themselves among those without shelter. The number of black street people grew by almost 20% in 1987 and approximately 56% of shelter clients in Seattle are minorities. Substance abuse, alcoholism, and mental illness also appeared to be on the rise. 50-60% of single adults using downtown shelters in Seattle are considered to have a drug or alcohol problem [League of Women Voters 1995, 3]. While only 8% of the homeless self-report mental illness, others estimate one third to one half of street people are mentally ill. [League of Women Voters 1995, 3]

There are a number of factors that have contributed to the changes in the street people population, however the city’s own revitalization efforts may have

played a role¹⁵. In order to attract new, upwardly mobile, urban “settlers” back to central areas, many of the “flop houses” and resident hotels which housed single, unemployed men were eliminated and replaced with commercial developments, condos, and up-scale apartment units. Political leaders noted the effects of these policies as early as 1986. In his 1986 State of the City address, Mayor Royer referenced the impact of revitalization on the public spaces available to the indigent [Royer 1986].¹⁶ Seattle’s relative prosperity and celebrated “livability” have driven vacancy rates down and median rents up. Median rents in Seattle increased from \$233-\$425 from 1980-1990, while AFDC payments increased by only 9% and the waiting list for subsidized housing swelled [League of Women Voters 1995; 3].

Seattle is also noted as having a thorough and comprehensive social service network, however many of these services are concentrated in the downtown areas. In order to access these services regularly, (either voluntarily or as a condition of probation) clients often live and congregate near service outlets in the downtown area.

By the mid 80's complaints of intimidating street people began to surface with some frequency. Despite a relatively flat crime rate in the area, the perception that portions of the downtown area were unsafe began to grow.

15 See Christopher Jencks The Homeless for an analysis of these broader, national factors. Generally a myriad of social, economic, demographic, and policy changes are considered the prime culprits.

16 “With districts under renovation there are no longer any places where street people may gather away from the mainstream” Mayor Charles Royer State of the City address 1986

According to police statistics, reports of assaults and burglaries in the downtown area hover around the average rate in Seattle overall. Car thefts are somewhat higher. [Seattle Police Department Annual Reports 1980-1995] This data speaks to the perceptual factors that influence concerns about street people. As one source told me “some people see someone asking them for money or someone sitting on the sidewalk who smells bad as assaultive behavior” [SI CL 1995]. One merchant in the city’s Pioneer Square area identified the perceptual aspect of the problem clearly, “The perception of safety is the single biggest hurdle we face...There are a lot of street people here, and people tend to make assumptions that street people are unsafe, which is far from the truth.” [Strickland 1992] Thus the emergence of a public order issue in Seattle’s downtown likely reflects both real changes in the number and characteristics of street people and perceptual biases regarding the behavior of street people.

“Street Civility”

“If you were to write Seattle’s story today, you might borrow Dickens’ memorable opening of a Tale of Two Cities, “It was the best of times it was the worst of times” [Sidran]

City officials claim that the decriminalization of urinating and drinking in public severely limited the ability to retain order in Pioneer Square and other commercial districts. Previously considered misdemeanors, these offenses were now categorized as infractions carrying a fine rather than jail time. There were also legal loopholes in regards to criminalizing underage drinking. While minors under 18 could be detained and prosecuted in juvenile court, underage drinkers between the ages of 18 and 21 could only be assessed a fine.

The city's first foray into legislating against public order crimes began with the enactment of an anti-prostitution loitering ordinance in the early 80's. After this ordinance survived a legal challenge, the city patterned their anti-drug traffic loitering ordinance on this previous law. The first efforts at controlling behavior specific to street people was lodged in 1985 when the city strengthened an existing laws on disorderly conduct and menacing. This ordinance proves to be too vague. The difficulty in enforcing and convicting under this law led the city to craft the Pedestrian interference ordinance. This ordinance prohibited aggressive begging with the intent to intimidate another person or to "obstruct pedestrian or vehicular traffic". Conviction on pedestrian interference is a misdemeanor carrying a fine and up to a 90-day jail sentence.

Progressively the city has developed a group of "street civility" laws in an effort to re-criminalize those transgressions that had been previously decriminalized. Repeat convictions for urinating, defecating or drinking in public are all misdemeanors carrying fines and jail time.¹⁷ The city has also instituted other novel solutions for controlling public places. The most controversial of the "street civility" ordinances has been Sit and Lie. This ordinance prohibits individuals from sitting or lying on the sidewalk in any city district zoned for commercial activity between the hours of 7am - 9pm, with exceptions granted for those patronizing sidewalk cafes, watching an authorized public event or activity (like a parade), and the disabled.

¹⁷ Importantly the ordinance does not define what it means to be a "repeat" offender or the length of times between convictions which would suggest a repetitive behavior.

The city attorney's office has also been instrumental in developing probation conditions that restrict access to specific public spaces for certain offenders. These conditions require that offenders stay out of the areas in which they were arrested. SOAP (Stay out of Areas of Prostitution), and SODA (Stay Out of Drug Areas) are the primary probationary tools for restricting access to certain areas of the city for those convicted of prostitution and drug related offenses (such as the anti-loitering ordinances). The most recent street civility ordinance, the Enhanced Park Enforcement Ordinance, gives police broader authority to enforce stricter standards for behavior in public parks and allows the banning of individuals from public parks who repeatedly violate these guidelines.

According to City Attorney Sidran, criminalizing repeat public order offenses is the city's version of "Tough Love". The City Attorney argues that criminalizing these offenses allows the courts to mandate the necessary interventions that will help street people deal with the root causes of their condition, such as alcoholism and drug abuse. [SI MS 1996] Advocates for street people he states, enable them to behave badly by not holding them accountable for their actions. He argues that the city's history of providing solace to street people has done little to encourage the more incorrigible street people to behave properly.

The city's has tried both traditional and unique methods to provide shelter for street people. For a number of years the city opened the doors to the County Courthouse at night so those without shelter could sleep inside the inner

entry way. When people began urinating and defecating in the hallways, the practice came to an end. The city has also made attempts to provide public toilet facilities for street people, but as Sidran told me “There’s a port-a-potty right outside my window and I can sit here any given day and watch people go pee on the side of a building rather than use the toilet” [SI MS 996]. Under these circumstances, the City Attorney felt there were limited options for altering behavior.

That the city has emphasized criminal measures for dealing with people who’s problems appear to be psychological rather than rationally criminal may reflect the limited options available to city’s attempting to address the issue. Few cities have the infrastructure or resources for providing substance abuse and psychological counseling for street people without federal or state aid. Further, counties, who typically provide these types of services, have also cut back on aid to the indigent. In the face of public pressure to “do something”, criminalization may be the most efficient and cost-effective “quick fix” solution.

The political weakness of street people may also be a factor. Except for the loose network of social service providers and homeless advocates, street people have little political influence. The circumstances of their lives prevent them from engaging in any of the traditional participation methods, such as voting, volunteering, and contributions. Since they don’t have legal addresses, they technically are not even residents or constituents of the city.

The biggest proponent and driving force behind the street civility ordinances has been the City Attorney. City Attorney Sidran has acted as the

city's "point man" on the introduction and enforcement of the ordinances. There seem to be both personal and political reasons for the prominence of the city attorney on this issue. First, Sidran is a "true believer" in the causal effects of low level disorder on crime and the economic viability of commercial districts. [SI NR 1998]. Second, the City Attorney is an elected officer who serves both as counsel to the city government and as a prosecutor over minor municipal offenses. Although a majority of the council and the Mayor have supported the street civility ordinances (Sit and Lie for example, was passed unanimously), the city attorney has taken the political lead. Sidran agrees that political considerations were a factor in his taking on the issue because "it's less politically risky...people expect a prosecutor to propose new laws and prosecute them".

Seattle is a decidedly liberal city and the City Attorney has received sharp criticism from the more liberal segments of the population. Although, Mayor Rice and other council members have been at the forefront in pushing more popular police policies like community policing, they have been relatively silent on the issue of the street civility ordinances. Mayor Rice insists that Sidran's leadership role is based on his institutional position and not political expediency.

"Everybody says this is all Mark's doing. But he could not have moved without my support. What we have here is a division of labor, I handle the police and he does the laws." [Rice 1998].

The public perception remains however, that Sidran is the protagonist and political leader on street civility. Some allege that city political leaders are

happy to abdicate leadership on this issue to the City Attorney. One local media outlet, evoked the analogy of “good cops” and “bad cop” to describe the roles of the Mayor/Council and the City Attorney.

“... the city’s “good cops” – the mayor, City Council members, and especially Police Chief Stammers – are only too happy for Sidran to take the heat for laws they all promoted.”[Shapiro 1998]

Another informant suggested that “On street civility] there are the leaders and there are the sheep. Sidran is the leader and the Mayor and the Council are the sheep”[SI CL 1996]. Other commentators believe, the city’s strong political proclivity towards moderation and consensus building explains much of the reticence for most political leaders to take a stronger stance. [Shapiro 1998]. According to this source, the practice of passing off political “hot potatoes” to “working groups” or appointed special committees is a frequent strategy employed by political leaders to avoid staking out positions. [Shapiro 1998].

Finally, County Executive Ron Sims comments suggest that liberal guilt may explain why few political leaders are willing to publicly endorse the ordinances.

“I feel so Republican saying this... Mark Sidran said what everybody was thinking but was too scared to say. It’s not that he’s unsympathetic – he just saw the system was failing. You’ve got to admire his guts and fortitude. Mark says what we all feel, but when *we* say it we feel guilty.” [Romano 1998]

This strategy also has political benefits for the City Attorney. As an elected official the City Attorney has his own electoral base. As Sidran noted “In my role as counsel to the city I advocate on behalf of the city. But when I have

on my prosecutorial hat, my clients are the people of Seattle.” [SI MS 1996]
Moving in this direction solidified the City Attorney’s support from the city’s
business elite who have been vocal supporters of the civility ordinances.

Opponents of the street civility laws argue that these laws are primarily
symbolic and were legislated primarily to send a “message” to business and
potential investors that Seattle was dealing with the problem. As one source told
me.

“ Take Pedestrian Interference for example. There was a lot of political
hoopla about it but they hardly ever enforce it. They get the political
benefits [by passing the law] without having to enforce it. Or Sit and Lie.
Pedestrian interference covered those who were doing something
intimidating. Sit and lie targets people on the sidewalk doing nothing.
The people are the “broken windows”. And it’s enforced very
selectively. Have you walked down in Pioneer Square? Did you notice
the guy sitting there under the umbrella? He’s there everyday and
nobody says anything because he adds character” These laws are a
message on the primary level to business and voters. [SI CL 1996]

To implement many of the street civility laws, the City Attorney’s office
worked in conjunction with the police to train officers on the enforcement of
these ordinances. In order to survive legal challenges, the city used the criteria
set by the Model Penal Code in structuring the ordinance. The Model Penal
Code suggests that specific instructions on when police should invoke the law be
included in the ordinance. Thus, most of the street civility ordinances include
specific criteria for invoking the law in order to limit police discretion. For
example, several of the ordinances require officers to issue a warning prior to
citation or arrest.

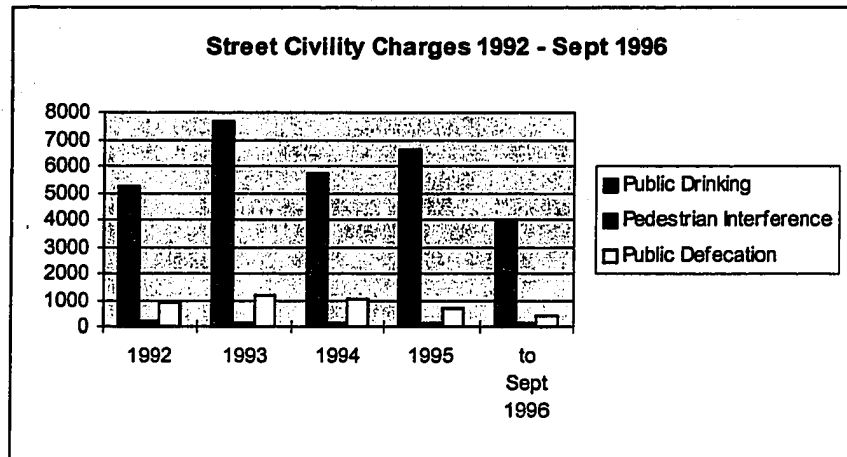


Figure 2
Data from Seattle Municipal Courts Records

Figure 6 charts the charges filed for three public order offenses (public defecation or urination, pedestrian interference, and public drinking) from 1992 through Sept 1996. The filing of charges for all offenses peaked in 1993, the height of the acrimony over public order issues, with a total of 9000 charges filed for all three offenses. Monthly trends indicate that charges peak in the summer months, moderately so for public defecation and substantially for public drinking offenses. By far, public drinking offenses are the most prevalent public order charge filed, peaking in 1993 with over 7669 charges filed. The disparity between public drinking charges and other street civility ordinances may be due to the nature of public drinking offenders. Violators of public drinking laws are more likely drawn from a broader cross-section of the population resulting in more charges being filed.

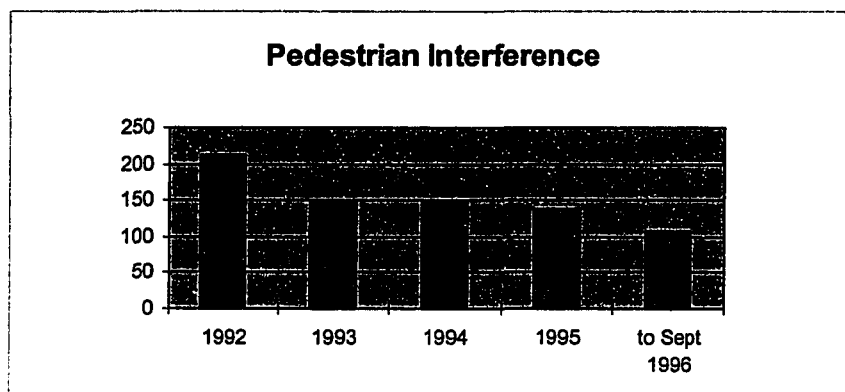


Figure 3
Data from Seattle Municipal Courts Records

Figure 7 charts the number of charges filed for pedestrian interference. Charges of pedestrian interference are relatively low given the concerns about the intimidating behavior of street people. The small number of pedestrian interference charges may be due to two factors. First, the spike in overall charges filed in 1993 when street civility ordinances became a hot political issue suggests that these ordinance are likely more strictly enforced in the early stages of implementation and more sporadically at later points. As one of the early street civility ordinances (1985), the small number of charges may indicate that arrests peaked in the early stages of implementation.

Secondly, the small number of charges may indicate a hesitancy and selectivity on the part of police in making these types of arrests. Both a police and a city attorney source said that officers were somewhat reluctant to arrest on some of the street civility ordinances because they questioned whether the charges would be upheld. The city attorney source emphasized that it was

important that the officers see that the city attorney's office and the courts supported these arrests and that their efforts weren't futile.

Since these numbers track charges filed not arrests or bookings, it is likely that many more arrests were made and not charged.¹⁸ This hypothesis is supported by the history of arrests and charges on two other public order ordinances (anti-drug loitering and sit and lie). The high ratio of arrests to charges filed (5-1) was one point of contention in regards to the anti-drug loitering ordinance. Opponents of that ordinance argued that the high ratio demonstrated that arrests for anti-drug loitering were based on police harassment rather than probable cause.

Assessing how often sit and lie arrests are made and charged is complicated. A number of citations were written in the first months after the ordinance passed, however there were procedural and administrative problems and many of the charges were dropped¹⁹. Moreover, many of the offenders were tearing up their tickets and not attending court dates. The city has recently moved to criminalize repeat sit and lie offenders as well, in order to prosecute these offenders. The experiences with the anti-drug loitering and sit and lie ordinances suggests that many more arrests may be made for the three offenses

18 Arrest data on specific ordinances was not available.

19 The attorney in charge of prosecuting street civility ordinances told me there were several problems associated with sit and lie. In the first few months of enforcement, many officers did not appropriately document the infraction on the citation, thus the charges were easily contestable because times, dates, and places, were not accurately recorded. The attorney in charge of processing the citations at the time believed the ordinance to be unenforcable and let hundred of citations pile up in a box under her desk. Eventually, this attorney quit because of here misgivings about sit and lie. The current prosecuting attorney has been working more closely with police on how to accurately write a sit and lie citation and charges are now being upheld in court

examined than is reflected in the number of charges filed. Further as the city has focused on repeat offenders, these numbers likely reflect primarily repeat offenders. Most likely, one-time offenders were cited and released.

Anti-prostitution Loitering, Anti-drug Loitering, Pedestrian Interference and Sit and Lie have all survived legal challenges. Although the substantive legal reasons for affirming these ordinances differs in each cases, the consensus of these opinions supports a governmental interest in controlling these types of behavior on city streets, particularly when the means are narrowly tailored.

Opposition to the street civility ordinances has been sporadic and piecemeal, consisting primarily of pranks or angry rhetoric. When Sit and Lie initially passed, an ad-hoc group of activists calling themselves Sit In Downtown and Reclaim Areas Now (S.I.D.R.A.N.) roamed the streets of downtown at night removing the signage detailing the sit and lie requirements. The signs were later recycled into benches that S.I.D.R.A.N. also installed clandestinely at night in the downtown area. [Real Change 1994, 1994a].

For the most part however, there is implicit support for these policies. An initiative to repeal the drug trafficking ordinances was overwhelmingly defeated (over 70% of the vote) in 1992. In 1997, Sidran ran unopposed in his re-election bid. Sidran's confidence in the broad support for these policies is so strong, he's embraced the caricatures of him constructed by his opponents. For example, picking up on a headline in a local weekly that stated "Experts Agree: Sidran is Satan", Sidran ran an recruitment ad to replace the department's public relations manager with the headline, "Satan's Little Helper" [Seattle Times

1998]. At a recent special State Senate hearing investigating whether drug trafficking prosecutions targeted blacks, Sidran's opponents depicted Sidran in the most odious manner. "One marcher held a sign with a swastika, which he said symbolized the city's fascist prosecutor. Another read, 'Sidran is toxic to our civil rights'." [Romano 1998].

Sidran however, finds the hyperbole and extreme rhetoric works to his advantage.

"In a perverse way the race issue helps us, because the vast majority of people know that it's ridiculous that there's a racist conspiracy by white people to gentrify the Central Area, in which the police are used as tools to drum up drug or other abatement action in order to drive black owned or black patronized businesses out of business so that white developers can come in. That's just too much" [Romano 1998].

The street civility movement shows no signs of abating. Sidran has now begun targeting liquor stores, night clubs, and other entertainment establishments with "good neighbor" policies aimed at making owners libel for disruptive activities generated by their clientele.

Cruising In Oakland

In Oakland the critical public order issue for the city was quite different. It revolved around the disruption and congestion associated with a large number of young African Americans cruising and hanging out at Lake Merritt, a local park during the spring and summer months.

Cruising in Oakland involves "hanging out" around the perimeters of Lake Merritt or repetitively circling the Lake by car or by foot. Behavioral concerns were expressed about increased traffic, defecating on neighboring

properties, loud “Gangsta Rap” music, profanity, and sporadic violence around the Lake. Unlike Seattle, there are many more layers to the conflicts at Lake Merritt. Fully understanding the complexity of developing a policy response to cruising requires a relatively detailed discussion of the factors contributing to problems at the Lake.

Lake Merritt holds significant symbolic value for the city. It is often referred to as the “Jewel of the City”, and is one of the most desirable public spaces in Oakland. The Lake has always been “contested territory” because of its symbolic value and desirability. Literally created from a swamp, the Lake is the country’s oldest bird sanctuary and houses “Fairyland”- a circa 1950’s children’s amusement park, the Lakeside Garden Club, The Sailing Club, and the Lawn Bowling Association. While many of the primarily upper-middle class members of these social clubs have moved into the Hills or outer suburbs they still retain close ties with the Lake area. In addition to young African Americans congregating at the Lake, it is also a prime site for urban joggers, bikers, Tai Chi practitioners, roller bladers (one individual manages to practice Tai Chi while roller blading), and other recreational activities.

In the early 80’s drug dealers moved into portions of the Lake area. In response the city developed a two pronged approach to driving them out. Police began to crack down on drug dealing in the park and a small, annual home and garden show at the Lake was re-invented as a multi-cultural, three day urban Festival. Festival at the Lake brought even more diverse groups to the Lake and

in some numbers²⁰. The diversity of usage and the symbolic value of the Lake has lead to a number of conflicts over “Who owns the Lake”, particularly when it appears that the city is attempting to regulate or curtail usage.

The majority of the young people gathering around the Lake, are not Lakeside residents. There is no hard data on the demographics of cruisers. After spending two summers observing the cruising scene and talking with participants, I estimate that well over 95% of all cruisers are African Americans and perhaps 75-80% are between the ages of 15-25. However the number of men over the age of 25 who come to the Lake appears to be increasing. While the cruising phenomena has began to attract a substantial number of African Americans from throughout the region, the core group of cruisers are predominately from the black and poor neighborhoods in the city, like East Oakland.²¹ Lacking demographic data, a comparison of neighborhood characteristics may be illustrative. The differences in the demographic characteristics of the Lakeside neighborhoods and young adults from East Oakland are sharp.

²⁰ Attendance peaked in 1990 with over 100,000 people attending the Festival over a three day period.

²¹ The percentage of cruisers who come from out of town has been a critical question for developing an appropriate response. Police documents indicate that roughly 70% of all cruising-related citations are issued to non-Oakland residents. The perception that problems associated with cruising come from outside of Oakland appears to have had some influence on policy responses.

	LAKE ADAMS POINT	EAST OAKLAND/ EASTMONT
White	60%	6%
Black	27%	83%
Latino	6%	9%
Asian	9%	3%
Med. Home Value	\$312,500	\$97,600
Pop. Age 1-11 yrs	5%	28%
Pop. Age 14-24 yrs	5%	18%
Pop. Age 65+	20%	9%

Data from 1990 Census

This data reflects 1990 census tract data on two critical neighborhoods. Adams Point is the Lakeside neighborhood most impacted by cruising activities and the neighborhood with the most vocal community activists against cruising. Eastmont/Elmhurst is a critical neighborhood in East Oakland. The Eastmont Mall is a frequent evening gathering place for young African Americans participating in similar activities throughout the year. Further, during the cruising season, many cruisers re-congregate at the Mall after the activities at the Lake have subsided. While young cruisers come from a number of different neighborhoods and cities, for comparative purposes the Eastmont neighborhood is the best representative sample.

This data shows the socio-economic and racial disparity between the two neighborhoods. First, the racial mix varies significantly. While Adams Point is

relatively heterogeneous, Eastmont/Elmhurst is overwhelmingly African American (83%). Median home values are also polarized with Adams Point homes having a substantially higher median value (\$312,000) than those in Eastmont (\$97,600). Age disparities are also striking. A large, multi-unit senior citizens complex in Adams Point most likely accounts for the high percentage of 65+(20%) in the neighborhood.

The most frequently cited complaint about cruising has been its effect on traffic flow. Cruisers circle the lake repetitively and extremely slowly, sometimes stopping completely to converse with other drivers or walkers. Complete traffic stoppage isn't uncommon on high cruising days. Lakeside residents complain that this makes travel to and from their homes on spring weekends burdensome. Local businesses also complained that the traffic backups and the lack of parking deterred shoppers from patronizing their stores during the cruising season.

Given the generational, racial and economic disparities between Lakeside residents and the cruisers, conflicts regarding normative behavior arose when the cruising scene began to grow. The number of cruisers at the Lake on a given weekend varies with the weather. On a typical, warm, spring day, several hundred young African Americans will congregate around the northeast end of the Lake. The cruising problem is particularly acute during an annual multi-cultural urban festival held at the Lake in June (Festival at the Lake). During the three days of the event the number of cruisers can reach into the thousands.

Although Lakeside residents are quick to dispel allegations that their

concerns are racially motivated, given that the cruisers are overwhelmingly African American, race has been a central obstacle in resolving the issue. The cruisers contend that efforts to disrupt the cruising scene are racially motivated. These concerns are not completely unwarranted. The African American community has reported being “harassed” and intimidated by the police at the Lake for decades. At a recent council meeting on the issue, Mayor Harris, who is black recounted his own experiences with police harassment at the Lake in his youth. [City Council Meeting 1996]

As Elijah Anderson points out, there is a unique relationship between race and public space, specifically the presence and behavior of young black males in public [Anderson 1990]. For some, the presence of one “suspicious” young black male in a public area is cause for concern. Several young black males congregating in a public space is viewed by some as intimidating and provocative. The anxiety produced by the presence of hundreds or thousands of young blacks congregating opening regardless of behavior can not be underestimated, particularly given the demographics of the Adams Point area. While this neighborhood is heterogeneous, it also is prosperous, majority white, and houses a large number of senior citizens. These groups likely have little contact with young black males and may feel particularly threatened by their presence. That sporadic violence has occurred at the Lake affirms and solidifies these preconceived perceptions. A disturbance which erupted on the last day of Festival at the Lake (FATL) in 1994 illustrates the potential for violence.

Typically the tension between police and the cruisers intensifies on

Sunday afternoon, the last day of the Festival. In 1994, the conflict between police and cruisers began the preceding weekend when young cruisers began throwing rocks and bottles at the police on Sunday evening. The conflict resumed the following weekend on Saturday evening in East Oakland.

Reportedly youth from the Festival and the cruising scene began to progressively move eastward towards the Eastmont Shopping Mall as evening fell around the Lake. According to police reports, approximately 400 cars congregated at the Mall, several of them spinning "donuts" (skidding cars in a circular pattern), blasting car stereos, flashing weapons, and other types of disruptive activities. The police intermittently pursued them throughout the eastern part of the city until the early morning hours. The following day according to Festival personnel, an officer was overheard to say, "They won last night, but we're going to win tonight" as he opened his car trunk to display riot gear. [OI FP 1996]

There are a number of disparities in the accounts of what happened at the close of FATL 1994. The official police report states that a young man shot a gun into the air, perhaps to instigate a stampede. Others contend that the youth threw a firecracker or that a car backfired. Yet another source claimed to have heard a police officer announce "officer down" over the radio after the discharge was heard. As is often the case in police/crowd confrontations, these perceptual discrepancies had a pivotal influence on subsequent actions. As the police moved rapidly and aggressively to apprehend the young man in question, several in the crowd began to pelt the police with rocks and bottles. In response, the

officers formed a skirmish line and attempted to forcibly move and disperse the crowd. The situation soon escalated into what has been officially termed a “melee”. Approximately 1500 people clashed with 150 officers resulting in 13 civilians and three officers being injured and 68 adults and six juveniles being arrested. Moreover local media accounts aired pictures of police use of force, particularly against young African American women, which appeared inappropriate and abusive.

This disturbance sparked a public debate about the situation at the Lake. Some African American advocates for the cruisers saw the problem as racism and the disturbance as an example of police brutality and “police rioting”. One fringe group claimed those arrested during the disturbance were political prisoners and demanded their immediate release. [Uhuru House 1994]

Lakeside residents and several city officials saw the situation differently. Some saw the success of FATL as a major culprit. Many believed the Festival had outgrown the Lake venue and needed to move to a less residential part of the city. The Festival has grown substantially since its inception. Along with professionalizing the staff and increasing state and city funding, the Festival has attempted to build a regional audience by promoting big name artists and advertising throughout the Bay Area. Several Adams Point residents said that the belief that the Festival was a public relations and economic asset for the city is a major obstacle for dealing with problems associated with this growth. One community member said that she felt the Adams Point area was being sacrificed because the city believed moving the Festival would constitute a defeat. Another

Adams Point community leader said “there are some people in this city who feel like the Festival is the only good thing in Oakland, there are a lot of good things in Oakland. That’s why they don’t want to change things because it will make the city look bad.” [OI PF 1996]. Another Adams Point resident concurred “ You know the Festival has become like a corporation here in Oakland and nobody wants to mess that up. Festivals moving to more accommodating venues is a sign of success in other cities. Moving Festivals and Fairs happens all the time. We want the Festival to live so let’s put it in a place where it’s going to live.” [OI PF 1996]

A related concern was that the expansion of the Festival had encouraged the growth of cruising. The regional reach of the Festival introduced African American youth from throughout the Bay Area to Oakland and some were concerned that the city was getting a reputation of being “user friendly”. [San Francisco Chronicle 1995]. There does appear to be a relationship between the expansion of the Festival and the growth of cruising. The Festival significantly expanded in 1991 and the first documented complaints by Adams Point residents occurred in that year. Further, many believed that the “trouble-makers” were primarily from out of town. The scant police records available on citations and arrests related to cruising support this perception, as nearly 70% of all cruising-related citations were issued to non-Oakland residents. However for a number of reasons, it is unclear whether this percentage accurately reflects the

make-up of cruisers as a whole.²²

Last, some expressed concerns that the Festival reinforced class cleavages between Festival goers and cruisers. The majority of cruisers who go to the Lake during the Festival congregate outside the Festival fence line along a major thoroughfare. Some argue that as the Festival has expanded, the cost of admittance has risen as well, making it cost prohibitive for young people. In discussions with some of the youth, several cited the cost as a deterrent to entering the Festival. One community member commented on the class dynamics of this relationship in saying, "This is a Festival of the haves and the have nots" [Oakland Tribune 1994]. While these class concerns have arisen particularly in regards to the Festival, it appears to be a concern throughout the year. Several Adams Point community members believed the cruisers "staked out" their neighborhoods and came back to rob them later. [OI AP 1996] Given this disturbance and other incidents of sporadic violence, many Lakeside residents express serious concerns about the potential for collective violence at the Lake, several suggested it was "inevitable" and a "matter of time" [OI AP 1996].

While race has an impact on community perceptions, the suspicion of racism makes isolating and addressing behavioral issues difficult. It is not surprising that Lakeside residents complain about such disruptive behaviors as

²² Whether this percentage holds for the overall cruising population is unclear. While out-of-town residents comprise the majority of citations written, this could reflect a bias on the part of police to ticket out-of-town cruisers versus issuing warnings to Oakland residents. However it does suggest that while a significant proportion of cruisers may be from Oakland, the majority of offenders are from out of town.

cars blocking traffic, public urination, and profanity. However when this behavior is attributed to a specific racial group it is often difficult to separate behavioral concerns from perceptions of racial prejudice or cultural insensitivity.

Many of the behavioral complaints focus on behaviors which have been legally deemed offensive and/or disruptive, such as public drinking or defecating. However other complaints are based on differing cultural and generational perceptions of appropriateness rather than on “objectively” disorderly behavior.

One ambiguous complaint rooted in cultural and generational differences revolves around the use of profane language. For many of the young cruisers profanity is regularly invoked in daily expression. Words and phrases associated with anger or violence are common linguistic expressions and are used in a variety of contexts. While these words are sometimes used to indicate anger, they are just as likely to be used to converse with friends as to antagonize potential adversaries. However, for many of the Lakeside residents profanity is much more closely associated with violent action. As one woman community member said,

“We just don’t use the f-word as frequently as these kids. Every other word is ho, ho, ho, bitch, bitch, bitch, fuck, fuck, fuck. I think it’s intimidating because these are violent words to many of us and demonstrate verbal abuse. Many people only use these words before being violent with their significant other.” [OI PF 1996]

In this instance, what is considered “ordinary” language to one group is associated with violence and intimidation by another.

A related concern has arisen regarding the treatment of women at the

Lake. Cruising is a means of meeting and attracting the opposite sex. In that regard, the operating premises of cruising don't differ substantially from the operating premises of "dating" in the larger society. Sexual attractiveness is a socially constructed and gendered concept; while material status symbols are believed to enhance the attractiveness of males, the sexual allure of women is often tied to physical attributes. This relationship holds for the young cruisers as well. For men, material status symbols like fancy cars, expensive clothes and "toys" (like beepers and cell phones) are means of displaying status and enhancing attractiveness. For women, clothing and dress, which enhance their physical attributes, sometimes, although, not always, quite provocatively, are primary attention getting devices. The sexual expression of cruisers at the Lake has been a target of criticism. For example, one community leader complaining about the women's attire during the Festival, accused the women of "selling their wares", and found the whole cruising scene offensive and degrading [OIPF 1996]. Changes in popular culture seem to have had an impact both on the manner of displaying attractiveness and on behavior.

The popularity of Gangsta Rap seems to have had a strong influence on the content and character of sexual expression and male/female interactions. Gangsta Rap lyrics often contain graphic, sometimes violent, descriptions of sexual acts. Women are often referred to as "bitches" or "hos" (whores), and are often depicted simply as undulating body parts in rap videos. Male cruisers are frequently overheard addressing or referring to women in derogatory terms, and many women have adopted the provocative and flesh-baring fashions featured in

rap videos. Spoken interactions between young men and women cruisers can often be caustic and terse, particularly if the young man's approach is unwelcome. A woman rebuffing a man's advances may find herself in a harrowing situations. Sometimes a verbal insult is the only response. However, a relatively new phenomenon is the "gang-stripping" or "denuding" of women. In these instances, the offending woman is quickly surrounded by the young man and his companions and stripped of her clothing within seconds. There have also been reports of women being randomly "gang stripped", without any perceived provocation.

Police approach these situations somewhat tentatively. Often it is difficult to identify the perpetrators. The attacks are swift with up to a dozen or more participants. An overly aggressive police response could quickly escalate the situation. The victims often can not identify their attackers. Police officers sometimes report that their interventions are unwanted. One officer reported that a young woman admonished him for interfering when a young man involuntarily fondled her [OI CW 1996]. This experience speaks to an often overlooked dynamic, the poor relationship between the police and African American women.

Although black women have the highest per capita rate for arrested and incarcerated women, these rates pale in comparison to the percentage of African American males under some type of criminal justice supervision.²³ However,

²³ Recent research indicates that 1/3 of black men are under some type of criminal justice control

these figures conceal the amount of contact African American women have with the police. As the family members, significant others, and victims of black men in the criminal justice system, black women have more contact with the police than other women. Further, there is anecdotal evidence that suggests that the relationship between the police and black women in Oakland is strained.

According to Oakland's Civilian Review Board President, black women are among the most frequent complainants before the board. [OI CRB1 1995] Complaints were also lodged after the 1994 disturbance that police use of force "targeted" young black women, particularly with mace.

Gender relations at the Lake have also exposed generational differences within the African American community. While few African Americans recommend dissuading cruisers from using the Lake, a number have expressed serious misgivings about their courtship behavior. For example, Oakland Tribune columnist Brenda Payton, devoted an entire column to chastising young black women for playing into the "whorish" images portrayed in rap videos.

"As a woman who came of age in the 60's, when we fought so hard to define ourselves as other than sex objects, I am stunned by these developments. How did the image and behavior of young women deteriorate to such a low level? How did righteous sisters turn into hos? The whorish image didn't come from nowhere. In fact, there are young women who have played into it. They've dressed the part. And they've acted the part. They have been more than willing to show flesh and accept abuse, verbal as well as physical, in order to attract a man who will spend money on them. In other cases, the young women dress provocatively to attract male attention, mistaking lust for love" [Payton 1996]

Ms Payton's comments speak to another factor which complicates

defining normative order, appropriate behavior, and police response at the Lake - the seeming complicity of young African American women in the raunchy, sometimes threatening behavior directed towards them. The boundary between “play” and insulting or assaultive behavior is often murky; particularly for those like Ms Payton, others of her generation, and the police, who find much of it degrading. For example, Ms Payton’s editorial cites several instances of what she perceived as women being inappropriately groped and/or fondled. It is unlikely that young women cruisers want to be treated badly or “disrespected”. Rather, I would argue that both male and female cruisers are equally unclear on where the appropriate behavioral boundaries lie. From a policing standpoint however, this lack of clarity along with the shaky relationship between the police and the black community makes determining appropriate interventions difficult.

This lengthy and detailed analysis of the dynamics of cruising at the Lake is necessary for understanding the complexity of the issue. More so than Seattle, the order problem in Oakland is multifaceted and taps into powerful stereotypes regarding race, class, sexuality, and gender, all potentially volatile social cleavages. Thus cruising has invoked acrimonious debate ranging from the angry rhetoric of the more radical elements in the black community to the admonitions of the Lakeside residents.

“F--- The Police!”

After a particularly disruptive day of cruising at the Lake in 1994, in an emergency session, the Council strengthened the cities existing anti-cruising

ordinance. The strengthened ordinance made it an infraction to circle the Lake more than twice in a four hour period. The penalty for violating the ordinance is a citation and a \$103 fine.

Unlike Seattle however, there was little administrative or political oversight regarding implementing the new law. Consequently the police devised their own implementation plan. The police set up traffic check-points along the busiest intersection around the Lake to stop cars from entering the surrounding neighborhood without identification and to pass out flyers regarding the new ordinance. The flyers however, misrepresented the substance of the ordinance and many cruisers and other Lake users felt the flyers were an intimidation tool. For example, one of the flyers stated that people violating the anti-cruising ordinance could be subject to arrest while the ordinance explicitly categorizes the offense as an infraction.

Some area residents complained that the police identification stops were discriminatory. Complainants claimed that police stopped black drivers and pedestrians and asked for proof of residency before letting them enter the surrounding neighborhood area and waved through non-black drivers without question. Teenagers quoted in a local newspaper complained that laws which were formerly loosely enforced, such as barbecuing at the Lake and noise abatement laws were being enforced too strictly [Wagner 1996].

Further, the check-points were used as a means to conduct vehicle searches, cite for vehicle violations, and conduct field interrogations. Some complained that they saw officers pulling cars over for not having a license plate

on the front of the car and other minor violations [Wagner 1996]. The anti-cruising ordinance itself was rarely invoked. In the first two years since the strengthening of the ordinance, less than a dozen anti-cruising citations have been written. Rather, the enforcement activities legitimized by the ordinance were used as a means to enforce other laws and dissuade young African American from using the Lake. Moreover, it appeared that enforcement and police tactics varied based on the police commander in charge on a given weekend. Thus on some weekends police were more parsimonious in conducting field interrogations and vehicle searches. On other weekends they were quite aggressive.

Official arrest records regarding police activities at the Lake are spotty and reporting varying from week to week. However for several weekends in the summer of '95, police written records show well over 75% of all police actions were for moving or vehicle code violations. Only one police activity report separates vehicle code citations from moving violations. On this weekend 25% of citations were for vehicle code violations. These numbers, although uneven and irregular give some credence to the complaints heard regarding the use of laws other than the cruising ordinance as a means of dissuading young African Americans from coming to the Lake. On the six weekends observed no anti-cruising citations were written [Lake Statistics 1995]. Further these records indicate several arrests based on felony and misdemeanor warrants. This likely reflects the results of an increase in background checks of detainees and field interrogations.

These tactics are not unique to the Oakland police department and are often used as crowd and traffic control tactics. A city staff report on anti-cruising ordinances in several Bay Area cities found that some cities did not have anti-cruising laws to deal with cruising problems, rather they stepped up enforcement of other violations as a means of dissuading people from using a space. [Oakland City Staff Report, Oakland City Clerks Office]

Increased police presence and enforcement activities at Lake Merritt have been the source of frequent and highly volatile political demonstrations. In response to police enforcement at the Lake, the Young Comrades, a group of young African Americans supported by the local Socialist party and the Africans United for Self Help, have held several rallies at the Lake to protest the ordinance, the most volatile being "Fuck the Police Day". Members of the group invited cruisers to come to the Lake for a rally and barbecue, both of which are against park rules without specific permission. This event and others have resulted in violence at the Lake.

Feeling that their concerns were not being heard, the Young Comrades and their supporters stormed the City Council in July 1996, demanding that the Council address the issue of policing at the Lake presently. The Mayor (to this dismay of his colleagues who left the council chambers) attempted to reason with the group for over 40 minutes, reminding them that he too had been a victim of police abuse at the Lake during his youth. The group was mollified only after the Mayor agreed to place police practices at the Lake on the council's agenda for a subsequent meeting. [Oakland City Council Meeting 1996a]

Within two weeks, the conflicts around cruising were given full air at a general city council meeting. The Young Comrades restated their outrage at discriminatory police practices against young African-Americans. Several residents of varying racial backgrounds, gave voice to the concern that civil disruptions deterred business investment. One white speaker asked,

“When will Oakland become a business and economic city and not a police city”. [City Council Meeting July 1996]

Another black speaker stated:

“If this tape [of the council meeting] were played in any boardroom in American they would say, no way, who wants to deal with those troublemakers. It ruins Oakland’s image”. [City Council Meeting July 1996]

Another black man in the audience shouted out to the Young Comrades as they spoke,

“You all are going to chase all the businesses out of Oakland.” [City Council Meeting 1996]

Even the city’s Director of Economic Development Department reported that the negative perceptions of Oakland had reached critical proportions and was a significant factor in attracting businesses to Oakland. [City Council Meeting July 1996]

Political leaders have been relatively silent in mediating the political conflicts emerging from the Lake. It appears there is little political capital in taking on an issue that instigates so much rancor, yet is difficult to resolve. Council Member Bayton who represents the Lake area held a series of

community meetings aimed at increasing community input in planning FATL after the 1994 disturbance, however her office has done little to address the problems associated with the weekly cruising scene. One council member expressly supported the full enforcement of the ordinance. Council Member Miley who represents the Eastmont district stated in session that if “these police practices led to less criminals and guns on the street I’m all for it.”[City Council Meeting 1996]

Community Policing and Crowd Management

The 1994 disturbance at the Lake brought attention to the overall tenuous relationship between the police and young African Americans. While the Lake has always been a focal point because of its geographic and symbolic place in the city, it became clear that the overall relationship between the police and young African Americans was strained. Secondly, it was apparent that police department strategies had not evolved with the changes in normative order around the Lake in general and specifically during the Festival.

A series of community meetings after the 1994 disturbance illustrated the diverging opinions on the importance of Festival to the city. A general consensus emerged among city elected officials that the Festival at the Lake was an important public relations and community building event for the city. Members of the African American community were also supportive of continuing the Festival. The Lakeside residents were skeptical regarding the value or feasibility of having the event at the Lake. The city decided to continue holding the Festival at the Lake and committed to eliciting more community

input on various aspects of the event.

In response to these concerns the police department developed a new set of strategies, based on community policing tenets for policing during the Festival. This strategy focused on four key changes: Inter-agency collaboration; Problem solving and trouble shooting; Community and crowd sensitive training; and Community participation.

The premise of this strategy is that the principles of community policing applied to large somewhat volatile crowd control situations can positively effect crowd dynamics as well as garner general community support for police activities. Interagency collaboration focused on bringing all governmental stakeholders to the table during the planning phase. Representatives from the Festival staff, private security, and various city and county agencies met to develop a comprehensive plan for addressing "crowd control" issues, many of which (like trash collection, wildlife protection) were not police issues. Problem solving and trouble shooting involved both pre-planning activities and troubleshooting during the event. Efforts to control alcohol sales and proactively identify potential problems were critical devices ²⁴ However the most communally oriented strategies involved community and crowd sensitive

²⁴ For example, several weeks before the Festival the city's Alcohol and Beverage Action Team (ABAT) in conjunction with the state's Alcohol and Beverage Control (ABC) unit ran several "sting" operations targeting the liquor sales outlets around the Lake. A police cadet under the legal drinking age would attempt to purchase alcohol from various locations. If the proprietor sold to the cadet, police officers would cite the store for selling to a minor. Only two locations were cited in 1996. A few weeks after the "sting", ABAT would approach the liquor store about "voluntarily" ceasing alcohol sales after 3pm on the weekend of the Festival. Most stores agreed to close completely in the afternoon as incidents of young cruisers "rushing" the stores in mass in 1995 intimidated several of the shop owners. Although many cruisers brought their own alcoholic beverages to the event, ceasing the sale of alcohol helped disperse the crowds later in the afternoon when their supplies were depleted.

training of police officers and soliciting community participation in enforcement activities.

Much has been said about sensitivity training for police officers, however there has been little written on applying this dynamic to a crowd control situation. Understanding the nature of the event and the motivations of the participants, the cruisers in particular, was critical to developing a training program. The Festival which is a multi-cultural arts and performance fair may be the major draw to the area over the weekend, but the masses of young African American adults who "hang out" outside the northern perimeter of the Festival are really a separate phenomena. Most of the crowd massing and activity takes place outside of the Festival, in the late afternoon and is largely a dating scene. Engaging the opposite sex in conversation and collecting phone numbers is the major objective of most, but not all of the cruisers. The officer who developed the training program saw the Festival as a unique opportunity for officers and youth to interact in a non-confrontational manner. Training emphasized taking opportunities to interact with cruisers in a non-confrontational manner. The police used several vehicles for encouraging interaction and reducing the social distance between police and young people. Assigning officers familiar with youth worked well. I personally witnessed several officers being acknowledged positively by youth they had interacted with in their communities.

Another successful tactic was having officers pass out little notepads of paper with pencils attached so the youth could collect phone numbers. The

reaction among the young people was overwhelmingly positive and the crowd dynamics were demonstrably changed as the police and the youth joked and laughed about the number collecting. Moreover, this activity emphasized that the police were not adverse to the presence of the youth or the number collecting. In interviews several youth commented that the police at the Festival were "cool, cause they were just hanging around and talking so it wasn't a big thing". [OI FG 1995]

Also emphasized in training was the importance of low-key responses and low levels of force in arrests. Few citations were issued for "soft" public order crimes like public intoxication or open containers. Rather, when possible, officers asked offenders to throw away their alcohol or in some instances confiscated the alcohol but let the offenders go with a verbal warning.

Relatively few arrests were made in either 1995 or 1996 however arrestees were processed away from the event. During public arrests, some arrestees attempt to galvanize public support by resisting arrest or complaining loudly about how they are being mistreated. When removed from the public forum, arrestees were more likely to comply. When possible officers allowed offenders to publicly "hang themselves" prior to arrest. For example, one young man was observed being disruptive and harassing young women. Increasingly the crowd became to turn against him, telling him to "chill out" or "shut up". When he threw a bottle at a young woman. One bystander remarked, "Officer if you don't do something I will make a citizen's arrest because he has got to go." Officers then moved in to apprehend the man and the crowd cheered. This

method of enforcement emphasized that behavioral norms emanate from the community rather than the police. Further, in eliciting community approval to act, the police were able to garner public support for an arrest.

The police also solicited influential community activists and leaders to act as a “bridge” between the police and the community, particularly the cruisers. OPD recruited several community groups (such as the Black Cowboys, various bicycle clubs, Home Alert and Neighborhood Association groups, church groups, etc) to walk with police officer and as independent teams to act as “community monitors”. In other words, organization and individuals with “standing” in the community represented the majority of participants. The monitors who wore specially marked tee shirts, were assigned specific locations and times for patrolling and were issued cell phones so as to contact the police if necessary. Participants in a local youth-at-risk program were also recruited to act as “peer monitors”. Most of the monitors knew a number of the cruisers, through church associations, friendships, working relationship, etc. If a situation appeared to be becoming “tense” the monitors would approach the parties, find out what the problem was and remind everybody to stay “cool”. The monitoring tactic also reinforced the message of community based standards of behavior and the security presence at the Festival was perceptually more pronounced but less intimidating than uniformed officers.

Despite the communal-based tactics during the day and early afternoon, as night fell the crowd became increasing volatile. Several women were hit, grabbed or “gang-stripped”. Rocks, bottles, and powerful explosives equivalent

to roughly 1/4 to 1/2 stick of dynamite were tossed indiscriminately at the crowd and the police while helicopters buzzed throughout the neighborhood. Under these conditions, a major conflict between the crowd and police or among the participants themselves could be easily precipitated. Despite the provocation however, the police adhered to the low level response tactic. There were some incidents in which the police allowed certain types of offenders to walk away rather than risk crowd confrontations.

In the case of the Festival, many questioned whether an event, which elicited such strong sentiments from different sectors of the community, could work. Looking at both quantifiable and perceptual measures, the strategy has proved to be successful in “keeping the peace” at the Lake during the Festival.

	1994	1995	1996
Arrests	74	<10	<10
Use of Force reports	31	0	0
IA Complaints	21	0	0
Community Feedback	Negative	Positive	Positive
Media Reports	Negative	Positive	Positive

(Community data based on attendance at several post Festival community meetings in Adams Point. Media analysis based on viewing coverage from three television affiliates (ABC, NBC, FOX) and three newspapers San Francisco Chronicle, San Francisco Examiner, Oakland Tribune covering the Oakland area.

In 1994, the policing of the Festival received relatively low regards on both quantifiable and perceptual measures. In 1995 and 1996 there were significant shifts in the perceptions of policing. Although the Festival management itself received criticism, the public feedback on policing efforts has been overwhelmingly positive. Despite this policing “success” there are several other factors to consider.

The communal strategy is really only employed during the Festival. Although efforts to extend it to cruising at other times of the year, it has been much less successful. This is likely due to substantive differences in the cruising scene during the Festival versus other weekends in the spring. The cruising scene is substantially larger and somewhat more volatile during the Festival than on other weekends. The high profile of the Festival is also a major factor in developing methods to "keep the peace" during the Festival. City officials and some community residents were concerned that problems at the Lake would feed the city's negative public image.

In part this may also be due to the reluctance or hostility some officers expressed about participating in this type of policing. One lieutenant told me "In the old days, we'd use a little stick on'em. You come at me like that and I'll give you what for. Now we have to sit there and take it and they just keep getting bolder and bolder. They just keep pushing us 'cause they know we're not going to do anything." [OI SC1996] Conversely, I was approached by a number of officers (many of them African American) who were pleased with the change in policing direction. A few asked me to ride along with them so I could see that not all police officers are like that.

Secondly, while the communal strategy has been successful, it is still largely a police driven strategy. The police developed the program, organized meetings, coordinated planning, and recruiting volunteers. The City Manager's office did have a representative who was very attuned to assuaging the concerns of the Lakeside community. The primary organizer of concerned residents from

other parts of the cities were the police. Again there was usually no political presence or involvement in the community meetings. Several officers were convinced that the city's political elite wanted to distance themselves from the Festival "so if it blows up they can just blame the police". [OI SC 1996 #)

Conclusions:

The nature of public order concerns often precludes direct influence by political leaders. As Wilson argues, street-level police behavior is highly discretionary and not amenable to direct supervision. Despite the limited avenues available for direct political action on order issues, political leaders are often called on to make policy on pressing order concerns. This was the case in both Seattle and Oakland. In both instances, most city political leaders effectively retreated and delegated the issue to the legal branches of government. In Oakland, the council has not been an active presence in negotiating the conflicts at Lake Merritt. Rather, the police have been the primary actors. In Seattle, political leaders overwhelmingly passed all of the street civility ordinances. However they have been only quietly supportive as the rancor over street civility has escalated. City Attorney, Mark Sidran has been at the forefront of the debates and other political leaders have been happy to cede leadership on this issue to his office. In both instances, political leaders have adopted positions of disengaged delegators by extracting themselves from what appears to be a tenacious and politically distasteful problem.

Agenda setting

In both cities the issue made it to the city agenda because of public conflicts between citizens in highly visible public spaces. In Seattle, the primary concern was the behavior of street people in key commercial districts. In Oakland, the central public order concern was the behavior of young African Americans at a premiere public park. Importantly, the visibility and centrality of the spaces in which these problems occurred were central to the escalation of the conflict. Since these behaviors took place in highly desirable spaces they became broadly discussed public order issues. In both cities they were examples of other public order concerns that were not considered "city-wide" issues. By contrast, the problems discussed here made it to the agenda because they took place in high profile public spaces and thus appeared to have larger implications for citywide interests.

Further, in both cities the public order concerns involved some conception of collective rather than individual behavior. For example, in Seattle, the problem is not the individual drunk or aggressive panhandler, but rather the cumulative effects of the aggregation of these acts on a public space over time. In Oakland, along with the concerns about collective behavior there were more intractable conflicts over how the police should resolve conflicts over behaviors that were not necessarily "objectively" disorderly or illegal.

In both cities, there was very little "policy making" at the level of political institutions as the ordinances were passed with minimal discussion by elected officials. In Oakland once the cruising policy passed, the implementation plan was left to the police with minimal direction from political leaders. This

resulted in allegations of uneven, harsh, and discriminatory enforcement. In response to a high profile public disorder at an annual festival, the police department developed more community sensitive policing strategies. Even in this instance, the police department was responsible for developing, organizing and coordinating the plan with minimal input from elected leaders or their representatives.

In Seattle, the city took a very different approach. As in Oakland, the city passed new laws to address the problem. However the laws contained language aimed at directing police discretion by including guidelines for instructing officers on how and when to enforce the law. Thus while the ordinances necessarily allows for officer discretionary decision making, the appropriate boundaries of police behavior were clearly indicated. These provisions are a major reason the court has upheld these ordinances.

The City Attorney has also led the policy making and implementation of public order ordinances. There appear to be political reasons for the City Attorney taking the lead role. Partly this is due to his wearing two hats - that of city advocate and city prosecutor. The enforcement of any laws passed by the council would fall to his office, thus it is less politically risky for him to appear as the protagonist. Also, because he is an elected officer, taking the lead position on an issue that has both raised the ire of activists while enjoying widespread support of residents and business holds certain political benefits for him as well.

Managing citizen demands

Negotiating conflicting citizen demands and expectation at the street-

level is a challenging area of policy making. Managing diverse citizen interests within highly visible, prominent public spaces adds another dimension of complexity.

When public space is used by different groups for different reasons and normative behavior varies greatly among these groups, a situation I term “normative dissonance” may develop. Normative dissonance arises when the prevailing normative order is disrupted or threatened by competing behavioral standards. Not all instances of variation in behavioral standards within a given space may result in normative dissonance.

Take for example the normative behavior of skaters at a public ice rink. Typically these skaters circle the rink counter-clockwise, so as to avoid collisions. However on occasion a skater or two may circle the rink clockwise. This is annoying, somewhat perilous, but doesn't seem to affect the normal counter-clockwise flow of all the other skaters. At this point, counter-clockwise skaters may ignore the clockwise skaters, tell them that their skating behavior is inappropriate directly, or perhaps ask an outside authority to do so.

Let's say however, that the individual clockwise skaters are not challenged and more skaters begin to circle the rink clockwise. Soon, one quarter of the skaters are circling the rink clockwise. Now these errant skaters are more than a nuisance, they're seriously disrupting the previously determined pattern of skating. At this point, addressing the situation on an individual basis or ignoring them is not feasible, thus the counter-clockwise skaters typically have a few choices. They may attempt to force the clockwise skaters to change

course, most likely by bringing in an outside authority and establishing rules.

They may decide to join the clockwise skaters and thus permanently change the directional flow. Or overtime, they simply stop skating at this rink and move to another rink where the counter-clockwise pattern remains uninterrupted.

Choosing between these options is often a factor of the availability of other rinks or the sense of attachment or "ownership" to this particular rink.

Individual acts which deviate from the normative order do not necessarily disrupt that order. The actions of one individual can often be either ignored or dealt with on an individual basis. One unruly street person may be annoying, but it is unlikely that the acts of one or two individuals will result in concerns about "order" or the development of new rules. It is the accumulation of individual acts and/or collective behavior which lead to conditions of normative dissonance. [Kelling and Coles 1996] In other words, frequency and aggregation of acts is one critical precursor to a normative dissonance problem.

Another determinant is that the deviant behavior challenges the prevailing normative order. If our counter-clockwise skaters could continue to skate in the same direction without interruption or peril, they would likely continue to frequent the rink and skate in their preferred direction, regardless of whether the clock-wise skaters shared their space. However, in this example, when the number of clockwise skater's threatened the skating behavior of the other skaters, a conflict over the normative flow of skating arose. Finally, there must be a measure of consistency in the offending behavior. A one time occurrence would not constitute an chronic order problem. Normative

dissonance refers to those situations in which behavioral deviancy is frequent, aggregate, threatens or alters the existing normative order and is consistent over time

The development of normative dissonance within public spaces impacted policy responses to public order issues in both cities. In both instances, changes in usage patterns led to conflicts about normative behavior. In Seattle, revitalization contributed to an increase in the number of street people, while tourism and economic development brought in others who objected to their public behavior. In Oakland, the increase of young African Americans hanging out at the Lake created normative conflicts between young cruisers and the older, middle-class residents who lived around the Lake. Although in both cases there have been demonstrable and meaningful changes in the demeanor of the groups in question, perceptual factors were equally important.

In both instances the concerns about safety may tap into latent racial fears. This relationship is much clearer in Oakland where the targeted group is well over 95% black. There has also been a substantial increase of minority street people in Seattle. However generational conflicts were more frequently cited as the problem in both cities.

For example in an interview, Steve Crosier general manager of the “Underground Tour”, lamented the changes in street people behavior; “In the past the bums were a colorful part of our tour, but the old guys who were laid back are being replaced by boisterous and pushy young ones who harass our tour guides and interrupt our tours. It’s kind of sad because the older guys are

victims too.”[Hayes 1986].

This perception that younger, more aggressive street people were the source of the problem was cited in several interviews.

In Oakland, the concern that a small segment of the population had “captured” the park for themselves was expressed by City Manager Craig Kocian “A relatively narrow age group has captured a portion of the park for themselves...The city has got a reputation for being user friendly”[San Francisco Chronicle 1995]

The precarious, ecological balance of users in both of these spaces was upset when one group’s behavior deterred others from using the space. Further it was alleged that the groups in question had “taken over” the space, in essence “privatizing” the space for their own use. For those disturbed by changes in behavioral norms, these spaces ceased to be “public” because the prevailing behavioral conditions appeared to categorically deny them access. Some began to avoid these spaces because they felt either intimidated, frightened, disgusted or insulted by the behavior of some of the other users. Importantly, those who were avoiding the area were citizens and patrons the cities felt were vital to retaining the areas economic health and viability. In Seattle, the primary complainants have been small businesses located in the downtown areas who felt middle class suburban customers would not venture into the area. In Oakland, primarily middle-class, non-black residents began to avoid the Lake

area during the spring and early summer months.²⁵ In neither city was “abandoning” the space a viable or desirable outcome. Partly because of the high profile and cognitive value of these spaces, but also because of the problems associated with allowing any area to spiral into disuse (or misuse) and decay. [Jacobs 1961; Skogan 1991 Wilson and Kelling 1982]

Both cities attempted to resolve the conflict between competing notions of normative order but in very different manners. In Seattle the emphasis has been on criminal law remedies for bridging the gap between the offending behavior and the preferred public order. Oakland relied on tangential law enforcement to dissuade users from using the space and has ventured into community-based remedies.

These differences in responses may reflect the situational differences between the two cases. The types of behaviors in question may have influenced the response. While some of the behavioral complaints in Oakland were about “objectively” disorderly conduct like public urinating or drinking others were driven primarily by generational and cultural perceptions of appropriateness. In Seattle, most of the complaints have been about the specific actions of street people, with the obvious exception being Sit and Lie.

The attributes of the groups in question may also have had an affect on policy resolutions. While generational, racial, and class conflicts were apparent

25 It is important to note that in a city which celebrates its diversity, few Asians and Latinos utilize the Lake either on the spring weekends or during Festival at the Lake. Further, despite generational conflicts within the African American community regarding cruising, a relatively broad cross section of African Americans can be found at the Lake during the cruising season.

in both cases, there are significant differences in the social status of street people and African American young people. Street people are arguable the most politically negligible group in society. Their presence alone, regardless of behavior, may be seen as disorderly or threatening and lead some to employ avoidance strategies.²⁶

Conversely, in a city like Oakland, where African Americans are a plurality and enjoy high levels of political incorporation, it would be less politically feasible to openly “attack” African American youth.

Ellickson argues that legal responses to street order problems have traditionally been based on three philosophical underpinning - hyper-egalitarianism, free speech liberalism, and criminal law. [Ellickson 1996] Hyper-egalitarians argue for the rights of the disadvantaged, often without regard to the effects of their behavior on others sharing the space. Free speech liberals are concerned with whether or not the behavior in question constitutes speech and whether the regulation of these behavior violates first amendment protections. Criminal law advocates forward the implementation of new laws forbidding the specific behavior. Ellickson forwards a fourth position, a property right argument.

The property rights perspective argues that chronic nuisance behavior detracts from economic development, and undermines the property rights of those investing in these areas and the property right we all enjoy in public spaces.

²⁶ Ellickson makes this point in regards to people crossing the street or avoiding certain areas because the presence of street people (whether they approach them or not) makes them feel guilty and

[Ellickson 1996].

In both cases, there were advocates for all four of these positions, however each city responded differently using either Legalistic or “Communal” remedies, or a combination of both. The key difference between these two responses are the sources of authority which instruct actions. Legalistic remedies rely on legal measures to either protect or punish a given behavior. Or to use Ellickson’s model, free speech protections or criminal law sanctions. Free speech advocates would litigate on behalf of the accused, arguing that law regulating behavior infringe upon first amendment rights. Criminal law advocates would enact and enforce municipal ordinances penalizing specific acts. Thus in both instances, authority is derived from the traditional avenues of governmental action and the rule of law. Communal remedies shift the focus from formal, legal, sources of authority to informal, community-based sources. For example, community policing strategies which emphasize enlisting community support and participation in law enforcement.²⁷ Communal remedies fall primarily under the hyper-egalitarian rubric, however rather than condoning or rationalizing offensive behavior, these remedies attempt to apply community pressures in order to shape it.

Seattle employed strictly criminal law remedies. As cities possess few

uncomfortable.

²⁷ Understandably there are a host of questions - how community is defined and by whom for example. But these questions are better left to another portion of the dissertation. For my current purposes, distinguishing between the two types of responses is based on policy imperatives and rationales, and police strategies and action.

tools for addressing problems with public behavior, this is not an atypical response. Oakland pursued legalistic strategies as well, and ventured into employing communal strategies.

While each city employed different strategies for attempting to “manage” these disparate external demands, the final outcomes may be quite similar. A local Seattle homeless newspaper reports that the number of street people who dwell in the key commercial districts has dropped, despite an increase in the numbers of street people seeking shelter on a given night. [Real Change 1995]. It is reported that more street people have begun setting up camp in an undeveloped area of the city known as “The Jungle”, in order to evade the scrutiny of high profile public spaces. [Shapiro 1998; Real Change 1995, 1996]

An off-hand remark by a community activist in Oakland proved to be somewhat prophetic regarding the continuation of the Festival at the Lake. After leaving a community meeting on coordinating the Festival in 1996, this activist remarked that her organization was trying to put so many demands on the Festival that they wouldn’t be able to survive. In an attempt to address Lakeside community concerns and to reduce costs, the 1997 Festival was much smaller and the date was moved to October. Festival organizers however inadvertently chose to hold the event on Yom Kippur. In the wake of a barrage of criticism, dismal attendance rate, and a \$230,000 debt to the state, the Festival finally succumbed. In news reports, a representative of the state’s First Agriculture District (the agency which supplied the majority of festival funds), stated: “This is the first time this has every happened through out the state [Oakland Tribune

1997]. In both instances it appears the conflict has been resolved by attempts to remove the offending parties.

Other Factors

The economic and symbolic importance of these spaces to each city's citizenry was a factor, however both cities were concerned about how these problems represented the city to broader audiences. In both cities, community members, politicians, and administrators expressed concerns about how their particular order problem was perceived by those outside of the city. This concern was voiced so often and in so many different contexts it would be difficult to fully document.²⁸ Both cities were particularly concerned with managing how the city was perceived by investors and outlying suburban citizens. In other words potential producers and consumers of city products. For a variety of reasons, central cities are less attractive investment sites than their suburban competitors. Quality of life issues, like entertainment, education, levels of crime and quality of public safety are critical location factors, particularly for small businesses and residents. Both cities saw the handling of these quality of life issues, not just as a means of restoring order and civility to public streets for the local consumers of those streets, but also as a way to avert negative attention. While outside of the scope of this dissertation, this suggests a

²⁸ This question of public image was raised in a substantial proportion of the meetings and readings I examined on this issue. In Seattle, examples would include Diane Gordon "Loitering in Livable Seattle" in The Return of the Dangerous Classes, Interview with and the speeches of Seattle City Attorney Mark Sidran, Interviews with ACLU, and various newspaper accounts. In Oakland, the public comments of community leaders, city council members, city council aides, the Mayor and his staff often focus on Oakland's "public image problem" and it's effect on the city's economic competitiveness and viability.

**broader, extra-municipal dimension to defining and serving “constituency”
interests.**

Chapter 6

Conclusion

Protecting and preserving social order is the fundamental function of any general government. As the primary urban institution responsible for ensuring social order, the police are central to urban government. The police are also a major consumer of urban resources as many cities allocate a substantial proportion of their general funds to policing. Recent concerns about police accountability, crime, and the general quality of life have amplified interest in policing. Despite the increased interest in policing, there are few studies which examine the intersection between policing and local politics. This dissertation attempts to address this gap in the urban politics literature by examining the police policy decision making process in two cities.

The guiding hypothesis of this study was that variations in institutional structure will have an affect on the policy making process and by extension policy outputs. Formal structure did have some affect on policy decisions. However the value system associated with Progressive and professional institutional reforms was more important in shaping the politics of policing. The doctrine of police professionalism institutionalized a value system that has had a overarching influence on the relationship between the police, political leaders,

and the public. Many of the contemporary debates on policing and police reform are rooted in the policing role and institutional scheme fashioned by professionalism.

The interaction between the policing function, the political domain, and the social world also plays an important role in shaping the character of politics on policing. Policing inherently involves social and moral judgements about social order. The police are also given broad authority to impose by force compliance to these judgements. When there is broad-based consensus regarding the use of force to preserve order (such as many policies directed towards addressing crime), promoting police policies can be a powerful valence issue for political leaders. However, when these normative judgements enforce or are perceived to enforce race, class, or status-based discrimination or subordination, the politics of policing can be infused with vigorous and sometimes vitriolic opposition to police practices. Unpredictability, mutability, and the potential for either public condemnation or approval characterize the police policymaking realm. For these reasons, political leaders approach the topic carefully, often times reluctantly. This research found that political leaders adopted different political strategies based on their perceptions of the political implications of the policy decision. Dependent upon the issue, political leaders adopted the role of either neutral arbiters, policy leaders, or disengaged delegators. Extra-municipal factors such as the availability of federal funds and concerns about economic development were also important background factors that influenced the political motivations and actions.

Perhaps the most pervasive political actors in police policy making were police unions. Unions were able to use contractual obligations and the negotiation process to impede policy changes. This chapter will argue that the political motives and tactics of police unions may also have ties to the professionalization movement.

This chapter will begin by reviewing the key findings of this study with respect to the role of institutional structure in police policy making. I will then discuss the politics and political implications of police policy making more generally. This section will conclude with an argument in favor of a more interactive conception of reform than has been previously been employed. Finally, I will briefly discuss the contribution this research makes to the study of the social regulatory police sphere in urban politics.

Findings

The organizing hypothesis of this study centered on the affect of differences in institutional structure on legislating police policy. An early finding of this research is the limitation of structural labels as a means of identifying institutional features.

The three prevailing categories of municipal institutions - the mayor/council, council/manager, and commission systems - are ideal type categorizations. Given the high degree of hybridity, in municipal institutions, these categorizations are not useful as independent variables. For example, Los Angeles is categorized as a mayor/council form of government, yet Los Angeles also has a chief administrative officer and commissions that oversee city

departments. This decentralized institutional system is quite different than the mayor/council system in New York, which accords far more powers to the mayor than the Los Angeles system, yet both are designated “mayor/council” systems.

Pete Wilson’s strengthening of the mayor’s office in San Diego offers another example. During his time as mayor, Wilson significantly added to the powers of the mayor while retaining the city’s council/manager form of government [Judd and Swanstrom 1998]. While the city is still categorized as a council/manager system, the strengthening of the mayor’s office represents a significant variation from the council/manager model. These cases illustrate that the complexity of institutional structure can not be captured by the prevailing taxonomy. Based on these factors current methods of assessing the impact institutional structure on politics or policy are relatively inaccurate. I argue that assessing the impact of specific constituent parts of a system has more explanatory value. This study found that two institutional characteristics did have an affect on the process and outputs on some policy decisions.

First, is a finding that appears self-evident: executive support was more critical in a strong/mayor system than a council/manager system for affecting policy change. On the issue of civilian review and even more apparent on community policing, mayoral support was a critical precursor for the adoption of community inspired policy initiatives in Seattle. Conversely, in Oakland the city manager was not a critical player in the policy process, and in fact was

marginalized in many respects. The lack of a strong executive (along with an insulated bueracracy) made policy making in Oakland somewhat more chaotic.

This finding suggests two implications. One, a city with a strong executive and an at-large electoral scheme provides limited avenues for citizen political penetration, and thus is potentially less responsive than systems with geographic political representation. Second, council/manager systems may have difficulty developing a coordinated policy program without a strong executive. This suggests that municipal institutions structured more closely to national or state institutions, that is with strong executives *and* geographically elected representatives, may be the best method of ensuring both policy leadership and responsiveness to the citizenry. A more interesting finding however is the affect of the methods of soliciting citizen participation and electoral aggregation schemes on policy making and policy outputs in both cities.

One key difference between Seattle and Oakland institutions is the method of handling citizen demands. In Seattle, the city council is elected on an at-large basis, however the city has also created neighborhood councils as a means of increasing resident access to city government. Seattle has a long history of neighborhood/ community involvement in politics. However rather than incorporating neighborhood input through political means, the city has incrementally increased access to city services through city organized neighborhood councils. This trend began with the creation of neighborhood service centers in the 1970s. The city has expanded these efforts and is now

actively organizing neighborhood crime prevention councils as part of community policing.

The advantage to this institutional feature is that it increases citizen access to government services, while insulating the system against political extremes. This encourages stability and continuity while remaining amenable to disparate community interests. Increasing citizen access can increase government responsiveness, however this method also tends to shape citizen demands in ways in which the city can or prefers to respond. Thus in some respects it can neutralize or marginalize those community influences which do not agree with the city agenda. For example, in both civilian review and community policing the moderating qualities of the city's institutions helped to filter out some of the more strident demands from both the left and right sides of the political spectrum. City organized community councils gave Seattle a means of soliciting and involving neighborhoods in a very structured and moderating manner.

As discussed in Chapter 2 however, some neighborhood groups are not content with the current structure and are pushing for political representation rather than administrative access. West Seattle activists have mounted a formidable attack against the at-large electoral system. The early successes of West Seattle activists in electing a like-minded council member, and in moving the debate over at-large vs. district elections to the state legislature, illustrates that an organized and well-funded community movement may be able to pursue their goals by attempting to alter or circumvent the existing system.

Oakland also has a long history of community activism. According to one source, the city has over 300 community groups.¹ However while Oakland's district election system amplifies political voice, there is not a corresponding degree of administrative accessibility or responsiveness. Since the move to district elections in the early 80's there have been minimal changes in the relationship between political leadership and the city's bureaucracies. Thus, while the city council in some respects has become more "responsive" to the interests of geographic communities, there are few tools available to ensure a corresponding degree of bureaucratic responsiveness. This systemic bifurcation in which political demands are aggregated geographically, but administration is largely insulated from political influence has created a great deal of frustration among citizens and political leaders trying to affect change.

This was most apparent in decision making on community policing. Despite general council support for community policing, the council felt hampered by the administrative barriers which limited the ability to enforce implementation. The frustrations over developing and implementing a community policing program are indicative of a larger political struggle over the distribution of power between branches of government. Coinciding with the debates over community policing was a political movement to move to a strong mayor form of government. In some respects, the problems with implementing community policing were used politically as an argument against the current Council/Manager system. Importantly, factors other than institutional structure -

¹ Oakland Public Library - Online catalog of community organizations in the city.

such as union opposition and fiscal limitations - were also key culprits for stalling implementation

Although formal institutional structure had some affect, the value system associated with Progressive and professional reforms had a more pervasive influence on the types of policy issues raised, the dimensions of the political conflicts, and in the way these issues were resolved. Progressive and professional police reforms institutionalized the values of crime control, standardization, centralization, specialization, bureaucratization, impersonal and full enforcement of the law, and a distrust of external influences into police organizations. Professionalization significantly curbed the most egregious forms of police corruption, however, the political ramifications of professionalization ripple through many major police policy decisions.

Police professionalism emphasized aggressive crime control policing, full law enforcement, and a distancing from external actors. Many of the concerns about police harassment and abuse stem from the overzealous, crime control policing tactics and unfamiliarity with communities associated with a professional orientation. Further, professionalization inculcated an internal organizational culture characterized by distrust of external influence and a tenacious adherence to “fraternal” loyalty and solidarity. Investigations of police misconduct are rarely open to external review or monitoring. Some citizens question whether internal investigations mechanisms can be trusted when investigative units cloak their efforts behind privacy clauses, and the prevailing

police organizational culture supports officers who abide by the “code of silence”.

Community policing developed as a direct criticism to the value system institutionalized by professional policing. Community policing advocates rebuked professional policing for ignoring the community context of crime. The impersonal, law enforcement emphasis of professional policing particularly alienated those communities most severely impacted by crime. This led not only to tense, sometimes violent interactions between the police and community members, but it also decreased police effectiveness, as the most important source of information on crime - the community - was virtually prohibited from becoming actively involved in the policing of their own neighborhoods.

Preserving social order is an inherently normative act, thus order maintenance policing is inherently tied to normative/communal value systems. Purposely insulated from communal influences and social change, highly professionalized police departments have historically imposed their own assumptions of what the social order should be. This orientation has had deadly consequences, as the practices emerging from professionalized policing have been held partially responsible for inciting disruption and violence in crowd control situations. Professionalization has also disparaged the order maintenance function because it affirmed the discretionary aspects of police work. Today, cities are increasingly relying on the police to preserve social decorum in high use areas.

Even police unionism has been significantly affected by police professionalism. Police unions emerged within the context of professionalized departments, thus, many union negotiation strategies, tactics and goals are tied to the professional reform vision of policing. Efforts to alter this model, threaten to weaken union influence and thus are met with resistance.

Professionalism permeates American policing and policy making decision. In the next section I will expand upon some of these themes and others by discussing the politics of the three policy issues examined for this study – Accountability, Crime, and Public Order. This section will re-emphasize the importance of the professional model in shaping the politics of police reform, and discuss other factors that affect the character of politics on policing. This section will conclude by discussing the relationship between the police and the public and argue in favor of a more interactive concept of police reform.

Politics and Policing

Accountability

The policy issue of police accountability centers on how best to monitor, control, and optimally, change illegal or undesirable police practices. Regardless of policing philosophy, policing a diverse and stratified society will engender conflicts between those who are policed and those who engage in policing. The prevailing model of police professionalization however, has exacerbated the tensions between the police and specific publics. In emphasizing impersonal, standardized, full law enforcement, professionalized policing has not been

sensitive either to specific community needs or democratic accountability. This has made highly professionalized police departments insensitive to both complaints of inappropriate police behavior and calls for greater democratic control over the police. In this way the value system encouraged and institutionalized through professionalism is the backdrop which shades the substantive issues of police accountability.

Perhaps the most controversial issues associated with police accountability concerns police harassment and the use of force. Allegations of police harassment (e.g., indiscriminate “stopping and frisking” and rudeness, and generally disrespectful conduct) are perhaps the most frequently cited complaint concerning police practices. The complaints range from general police demeanor in dealing with youth and young adults, to accusations of being “jacked” (pinned against a wall and searched), or falsely arrested.

Concerns about the use of excessive force or police brutality are equally controversial. Officers are trained and authorized to use progressive levels of coercive force up to and including deadly force, dependent upon the level of threat exhibited. Importantly, it is not expected that officers will respond with the same level of force as the alleged perpetrator, but with the appropriate amount according to department and legal guidelines for achieving compliance given specific circumstances. [Skolnick and Fyfe 1993] By definition then, excessive force indicates a means/end problem: the use of an inappropriate amount of force in order to achieve the desired end - either compliance to a command or arrest. Excessive force complaints range from the relatively minor

to the life threatening. For example, during Oakland's civilian review board hearings, complainants charges ranged from being too tightly handcuffed to more serious allegations of being "slapped", "maced", "kicked" or "beaten unconscious" [Oakland Civilian Review Board Hearing 1996].

Police brutality speaks more directly to the question of blatantly illegal police behavior. Brutality is most often done in the spirit of vigilantism and vindictiveness. The force is not inflicted to achieve compliance or arrest, but rather to teach the victim "a lesson". In essence, officers who commit acts of police brutality are choosing to act above the boundaries of the law [Skolnick and Fyfe 1993]. Given the impropriety of the act is generally acknowledged, brutality is often shrouded in secrecy, administered in secluded places, and targets the most vulnerable and marginal members of society.

A critical factor that complicates addressing both harassment and use of force, is the difficulty in defining "harassment", "excessive force", or "brutality". For example, when police stop and question youth "hanging out" in a neighborhood, when does this activity constitute "harassment" and when is this being responsive to community concerns about juvenile crime? Scholars of police practices argue that the inability to establish a clear definition of excessive force make it difficult to devise meaningful solutions. [Geller 1996] The definitional issue is further complicated by a tendency among community critics to describe all problematic police practices with the most extreme label. A study by Albert Reiss found that in one community, police behavior such as the use of profane or abusive language, commands to move along or go home,

stopping and questioning, prodding with a nightstick and the actual use of physical force were all described as incidents of “police brutality” [Reiss 1968]. The global labeling of all police misconduct as police brutality further complicates efforts to accurately define the problem, elicit broad support for concerns, and develop meaningful remedies. Despite these definitional issues, there are consistent patterns in the concerns about police accountability across cities:

Race/Ethnicity - One general commonality across cities is that people of color, particularly African Americans, complain of excessive force and other police abuses more often than whites. The frequency of complaints from minority groups suggest that either minorities report police misconduct more often than whites, that minorities have disproportionate contact with police which increases the risk of police abuse, or that police are more abusive towards minorities than whites. The first and second proposition can not be completely substantiated at present. There are no data that can support or refute the argument that minorities are more likely to report police abuse than whites. Secondly, disproportionate contact between minorities and the police may be due to a number of factors, such as more aggressive patrolling in minority neighborhoods or higher propensity for police to detain minority youth. Many of the factors that increase the contact between minorities and police may be a function of discriminatory police behavior rather than minority criminality or behavior. Thus a disproportionate amount of contact between police and minorities may itself be a precipitating factor for police abuse.

There is strong evidence to support the contention that police behave differently towards minorities, specifically African-Americans than whites. One study contends that the practice of police harassing young black men is so common it is an integral part of their "American Way of Life". [Ogletree 1995]. Several research studies support the argument that African Americans are targeted and treated more severely than whites. [Mann 1993; Bayley and Mendelsohn 1968; Boydston 1975; Donziger 1996]. The linkage between race and police abuse has been critical in defining the politics of police accountability.

Problems with complaint process - Perhaps the greatest difficulty in addressing police accountability is the low quality of the data available for measuring the prevalence of police misconduct.

**Citizen Complaints per 100,000 Citizens
In Selected Cities, 1984**

<i>City</i>	<i>Population</i>	<i>Complaints</i>	<i>Complaints per 100,000</i>
Houston	1,724,000	764	44.32
San Diego	9,600,000	684	71.25
San Antonio	869,000	184	21.17
Phoenix	853,000	447	52.40
San Jose	686,000	160	23.32
Memphis	648,000	207	31.94
Columbus, OH	566,000	431	76.15
Denver	505,000	229	45.35
Seattle	488,000	264	54.10
Atlanta	426,000	238	55.87
Kansas City, MO	443,000	570	128.67
Miami	373,000	438	117.43
Cincinnati	370,000	304	82.16
Minneapolis	358,000	259	72.35
Oakland	352,000	57	16.19
Hartford	136,000	146	107.35
Berkeley	104,000	153	147.12
U.S. Avg. for Selected Cities			67.48

Data from the M.M. Bell Report 1989: 20 Data collected by NYPD.

Table 1

The above data collected in 1984, is quite dated. However it illustrates some of the difficulties in assessing the frequency and severity of police misconduct. According to this data, both Seattle and Oakland complaint to population ratio are well below the U.S. average of selected cities. However, there are no standardized methods for collecting and categorizing complaint data. Each police department decides how and if complaints will be reported. Therefore, there is no way of knowing whether the wide variation in complaint

to population ratio is due to reporting procedures or real differences in the prevalence of police misconduct.

Secondly, there may not be a correlation between the number of reported complaints and perceived or real problems with police misconduct. For example, Berkeley, California has a long history of exemplary innovations in police/community relations. However according to this data, Berkeley police generate over twice as many complaints per population as the U.S. average. As mentioned previously, this could be an artifact of reporting policies. More importantly, a high number of complaints may indicate a greater level of trust in the existing accountability mechanisms, as citizens may not bother to file a complaint with a police agency they feel is unresponsive, unfair, or intimidating.

There is often a lack of confidence in the fairness and integrity of the internal investigations process. Complainants charge that often it is difficult to file a complaint with the police department. Police departments may require complainants to file directly with the department, which can be intimidating. In some instances, departments may dissuade complainants from filing their complaints. The Christopher Commission found that some officers in the LAPD threatened complainants with civil suits if they formally filed complaints.

[Christopher Commission 1992]

One consistent criticism is that the processes of investigations are too opaque and secretive. Many police departments refuse to release even aggregate data on the number and nature of complaints received by the department. Information on the resolution of specific cases is rarely released to the public.

Departments argue this practice is imperative for protecting the privacy of the officers and the complainants. However the minimal information provided to the public feeds the perception that the police are not effectively policing themselves.

Despite the proliferation of Civilian Review Boards, many are seen as ineffective. Few civilian review boards possess the necessary resources to perform thorough, independent investigations. In many instances review board investigators have only limited access to police records, thus they must rely on police investigators for critical information. Further, as demonstrated in this research, there may be civil liability concerns regarding civilian review board findings. A finding in favor of a complainant may either encourage the filing of a civil suit, or be used as evidence in a pending civil suit. For that reason, many review boards are prohibited from hearing cases that are in litigation. Typically the most severe and sustainable incidents of police abuse are the most likely to be litigated. Civilian review boards may be relegated to dealing with the minor and/or least sustainable complaints. This might explain the low sustaining rate of civilian review boards.

Finally, across cities there is often a perception that the disciplinary recommendations of Internal Investigations departments or civilian review boards are not acted on, or that officers are not disciplined severely enough. Critics charge that union and civil service rules and protections provide multiple opportunities for officers to appeal disciplinary decisions. Further, critics charge

that even when officers are found guilty of inappropriate action, discipline is too lenient.

Unions are formidable opponents to any external review As reported in this research, unions can be strong obstacles to civilian review. Union opposition to external review questions whether civilians can fairly judge the appropriateness of police behavior. Professional expertise, they argue is necessary for evaluating officer actions. Efforts to institute civilian review illustrate that union opposition can be quite antagonistic. Instituting civilian review in New York for example, has been a bitter battle, and even though the city currently has a review board, it is still a point of controversy.

Politics and Police Accountability

Politics around police accountability issues are highly contentious, divisive, polarized, and at times symbolic. The orientation of interest groups engaged in police accountability politics may exacerbate these tensions. Interest groups organized for police accountability are similar to groups organized around other social justice/social regulatory issues. [Tatalovich, et. al 1998] They tend to be non-territorial, single issue, and employ confrontational or disruption tactics. Further, the groups are loosely organized and usually unable to sustain consistent and constructive pressure for change. For example, Seattle's Coalition for Police Accountability is an example of a typical interest group mobilized around police accountability. The group formed around allegations of egregious police misconduct. They engaged in such protest strategies as marches and disruption, and the group disbanded shortly after

loosing on a key policy question. The explosive and public tactics of accountability interest groups may raise the issue of police accountability, but often they do not possess enough group resources to effectively influence the policy making process.

The other major interest group involved in the police accountability decision process is police unions. Much like the accountability interest groups, unions are quite single minded in their objective to oppose external review and external "interference" in general. Unions are also not above employing the most inflammatory and incendiary rhetoric and tactics to make their point. However unlike community interest groups, union are highly organized, resource rich, and often times politically connected. While in some instances, these political assets allow unions significant influence on disciplinary policy decisions, in other instances it is unclear whether these assets are readily transferable into political influence.

The extremely polarized viewpoints of community groups and police unions on the issue police accountability makes policy making extremely unstable and potentially explosive. Despite the acrimonious debate among key actors in accountability, there often exists a general agreement that accountability is essentially a management issue. Even the most strident advocacy groups argue that ultimately police accountability must come from within. The point of contention is the role of external review in ensuring this internal policing takes place. Civilian review advocates argue that external review and other forms of outside pressure are essential to raising and

prioritizing the issue of police accountability with administrative management. Opponents of review argue that it is an ineffective, cumbersome, bureaucratic solution to a problem best solved by police professionals.

Political leaders are reluctant to take on the issue of police accountability because it is extremely difficult to satisfy either police unions or police accountability interest groups. Anything short of condemnation of police actions in alleged misconduct cases can be perceived by accountability groups as “capitulating” to the police. Any concessions to community groups are viewed by unions as “attacks” on police autonomy and authority. For these reasons, police accountability rarely makes it to a city’s institutional agenda. In some instances, political leaders may try to defuse the situation by delegating the issue to a commission or another independent body for study or review. Commissions can produce reports advocating important change, however it is questionable how often the recommendations of appointed commissions are translated into substantive policies. [Lipsky and Olson 1977]

In this research, when circumstances made it impossible for city leaders to delegate or delay decision making, they attempted to position themselves as “neutral arbiters” between the interests of the unions and the interests of community groups. This was most apparent in Oakland, where even though a majority of council members supported strengthening the review board, there was little leadership on the issue. In Seattle, this role is somewhat subtler, as the council aborted discussions of civilian review by instituting a weaker civilian auditor position. Union opposition to review was an important backdrop to this

decision, but there was also minimal political support from the mayor and the council for civilian review as a means of establishing accountability.

Often time establishing accountability while remaining vigilante against crime are posited as being at odds. Some see accountability as hamstringing the police and thus reducing their crime fighting potential. The balancing of crime and accountability concerns is particularly problematic for African Americans who are frequent victims of both police abuse and crime. For example, council member Nate Miley represents a low-income, majority black neighborhood in east Oakland. While many in his district complain of police harassment of young black males, many of the same politically active residents are justifiably fearful of crime. One resident told me she did not sit in the front room of her home after dark for fear of being hit by stray bullets. [OI FG 1995] Another resident claimed local drug dealers threatened her after they learned she had reported their activities to the police. [OI FG 1995] Considering these stories, it is not surprising that Miley has emerged as a strong voice for law and order on the council.

Concerns about crime and concerns about police accountability are not contradictory or irreconcilable. Providing adequate and effective police protection without abuses of power is the mandate of policing in a democratic society. It is the foundation of police legitimacy. Suggestions that increases in crime may require a tolerance for police aggression are misguided, if not a perversion of our system of governance. Nevertheless the perception of conflict between resolving these two issues is central to the politics of accountability.

Crime

Public concerns about crime are multi-dimensional, touching on a number of intersecting concerns about actual increases in crime, fear of crime, the moral implications of crime, and anxieties about social change in general. First, is the actual prevalence of crime. Since the mid 80's there has been a substantial increase in crime rates across the country. Drug-related, violent, and juvenile crimes have seen the largest increases. Much of the policy debate about crime, reflects concerns about real increases in the prevalence and severity of crime. Since 1993 however, crime rates have begun to drop in nearly all categories, yet crime remains a primary concern for many citizens. This is because crime is an issue that evokes anxieties across a broader array of social and moral concerns.

Fear of crime, some scholars argue is almost as important as actual crime rates in driving public anxieties. Studies have shown that there is little correlation between fear of crime and actual risk of victimization. Groups that experience relatively low rates of victimization such as the elderly and women are much more fearful of crime than groups that experience high rates of victimization [NCVS 1990]. In some respects, the minimal correlation between being at-risk for victimization and the perception of being at-risk, makes addressing fear of crime a more intractable problem than addressing crime itself. Fear of crime it is argued, induces changes in behavior that can itself be a precursor to criminogenic conditions. For example, fear of crime may deter law-abiding people from using certain public spaces, such a public parks or

commercial districts. Low usage reduces the natural surveillance associated with high usage and may led to the economic decline of commercial areas. [Jacobs 1961]. Both of these factors – low usage and economic decline - are considered precipitators of crime. Thus some scholars argue that fear of crime is a major precipitating factor in the downward spiral of disorder and decay in which many communities are trapped. [Skogan 1992]. Further fear of crime can have a significant impact on urban residential patterns and social structure. The proliferation of gated communities, increases in private security patrols, and the continuing exodus of the middle class out of central cities, are all developments with links to an increased fear of crime.

Historically, crime and the criminal justice system have served as a barometer of morality and justice. As Friedman and others have argued, the criminal justice system acts fundamentally as a morality play in which the “bad guys” are caught and punished for violating the moral order. [Friedman 1993]. The moral implications of crime also speak to the perceptual connections between social change and crime. Crime, Scheingold argues, is a consolidation issue. [Scheingold 1984]. That is for some crime is symbolical linked to other latent social anxieties, such as concerns about a decline in social order, the dissolution of informal social control institutions, and racial tensions. Recognizing the symbolism attached to crime, some politicians have used crime as a code word to mobilize voters around other latent concerns, most notably race. The most famous example of the deployment of this strategy is the Willie Horton ads ran by the Bush presidential campaign in 1988.

Like accountability, crime is heavily laden with both genuine and symbolic concerns. Unlike accountability, however crime does have the potential to be a politically beneficial policy issue when it is packaged properly and approached carefully.

Politics and crime

Based on the literature, we understand that political leaders approach policy solutions for crime with some trepidation. Given the causal complexity of crime and the minimal tools available to local actors to address crime, politicians who 'politicize' crime risk setting themselves up for public disappointment when these measures do not have an appreciable impact on crime [Scheingold 1991]. However, because crime is a potent valence issue, it can be a powerful electoral mobilization strategy. Because crime policy making consists of both significant political risks and benefits, to the degree possible, savvy political leaders attempt to take an active role in shaping preference formation on crime policy. For example, in Scheingold's Cedar City, politicians managed crime as a policy issue by politicizing the processes of criminal justice rather than crime itself. [Scheingold 1991].

A similar pattern of policy leadership and management occurred in both Seattle and Oakland. In both cities, community policing was the primary policy response to crime. The term "Community Policing" is broadly used to refer to a general philosophy of policing and includes a range of programs such as "problem-oriented policing", "community-oriented policing", "neighborhood-policing", etc. The philosophy of community-based policing turns on reducing

both the social and physical distance between the police and the community served. Thus community-based policing programs generally advocate developing the formal and informal communication lines between the police and the community through some degree of organizational decentralization (e.g. community-based substations, smaller beats, etc.), and increasing constructive contacts between the officer and the community (e.g. foot patrols, door to door visits, neighborhood meetings, etc.). In facilitating greater constructive communication and cooperation between the police and the community, community-based policing hopes to make police services more responsive to community needs as defined by the community.

Although the baseline theory is relatively consistent each city develops its own theoretical and practical conception of community policing. Therefore the policy goals and procedures of community policing programs vary significantly from city to city because the programs are self-defined. For example, how "community" is identified and defined varies across polities. Further, there are a number of methods and practices that are defined as "community policing" primarily because the police department has chosen to do so. Consequently, the relationship between a city's stated community policing policy and the actual practices of the police department may be somewhat tautological. As Robert Friedmann writes "It is as if once the ideology of community policing has been adopted, almost everything police forces do falls under that heading and is called a community policing tactic" [Friedmann 1992; 3]

Community oriented policing advocates argue that the movement attempts to retain the benefits of professionalization, while incorporating community input into policing endeavors. In many respects however, community-based policing illustrates a rollback of professionalization in policing as the philosophy inherently undermines some of the key tenets of the professionalization model.

Because of the emphasis on organizational decentralization and greater community accountability, in theory community policing would allow for a multiplicity of different police styles within a given municipality. Further, theoretically community-based policing would give groups with historically tense relationships with the police an opportunity to significantly affect police behavior within their communities. Both of these objectives run counter to the goals of standardization pursued under professionalization.

The malleability of community policing makes it a particularly attractive policy solution for crime concerns. Community policing is politically attractive because it purports to simultaneously address two of the most intractable and difficult policing issues – responsiveness to crime and accountability to communities. The flexibility of community policing both as a concept and as an actual policy makes it a more politically manageable policy. Unique community interests and needs can be more easily met by a policing philosophy which aims to tailor police services to the demands of specific neighborhoods.

As discussed in Chapter 4, the bridging of accountability and crime concerns is a critical factor in the widespread acceptance of community policing.

As discussed in the previous section on accountability, the issues of accountability and crime prevention are often juxtaposed against each other. Strengthen one it is argued, and risk weakening the other. Community policing alleviates those concerns as it purports to address both concerns simultaneously. In Seattle, for example the city argues that the full implementation of community policing will negate the need for citizen review [SI MN 1996].

Further, federal dollars to support cities implementing community policing has been flowing in to cities since the passage of the Federal Crime Bill in 1992. These monies provided federal matching funds as an incentive for cities to hire community policing officers. The Department of Justice has also created an office – The Community Oriented Policing Office – to provide technical support and to fund pilot projects on community policing. External fiscal support has been critical in inducing city's to implement community policing.

The politics of crime at the local level center on managing a volatile issue to maximize potential political benefits. For these reasons, political leaders in both Oakland and Seattle have embraced community policing, at least in name, as the best means of achieving that goal.

Public Order

Order maintenance is a particularly controversial policing function. This controversy stems from the ambiguity implicit in defining order. Order is inherently a normative concept, and thus is open to widely varying definitions and interpretations. When the normative order is ambiguous and unclear, it is

often the police who are responsible for establishing behavior norms of propriety. Although some behavioral transgressions against the normative order may be inappropriate and even somewhat intimidating, they may not be illegal. Thus order maintenance policing often entails the police exercising their functional rather than statutory authority to intervene. For example, below George Kelling describes citizen reactions to an incident he witnessed in which two young roller skaters dodged in and out of pedestrian traffic on a crowded public street.

“Whether intended or not, [the roller skaters] were the center of attention and a source of some fear: some citizens moved against the buildings; other stepped off the sidewalk into the street; still others ‘froze’ in place and a few tried to ignore the whole thing.” [Kelling 1986].

Clearly, in this instance some of the citizens sharing the street with the roller skaters were taken aback by their behavior. Some may even have believed the skaters’ behavior was threatening if not dangerous. However, few cities have specific laws governing the behavior of roller skaters. Although, a police officer observing such a situation would likely intervene and ask the skaters to slow down or be careful, his authority to do so would not be derived from a specific law, but rather from the broad functional authority we confer to the police to preserve order.

Police actions derived from functional rather than statutory authority, put the police on shaky ground. First, because such policing illustrates the most discretionary type of police behavior, it opens the police up to criticism of arbitrariness and discrimination. Second, despite widespread acknowledgment

that police are deeply involved in order maintenance activities, “many citizens as well as police are squeamish about acknowledging police involvement in establishing and maintaining civic morality” [Kelling 1986:96]. This squeamishness can be traced back to the original premises of the progressive reform and police professionalism movements. Both movements sought to limit arbitrary decision making and supported the universal enforcement of the law across communities. As effective public order policing requires a certain sensitivity to community concerns, it violates a central premise of progressive and professional reformism.

In recent years, cities have been confronted with significant “order” problems. Public spaces, particularly centrally located business districts, have become a gathering place for street people, runaway teens, and panhandlers. In some instances, individuals have engaged in behavior deemed threatening to others using the space - such as aggressive panhandling. In other cases, cities have argued that the mere presence of street people in central business districts has led businesses and consumers to retreat from these areas. [Ellickson 1996]. In response, several cities have given the police additional statutory means for addressing transgressions of order.

DISORDER ORDINANCES IN 50 U.S. CITIES

	Percentage of Cities with Laws	Number of Cities
Begging	56%	28
Aggressive Panhandling	40%	20
Sitting and Lying	6%	3
Sleeping in Public	30%	15
Loitering	40%	20
Obstruction of Sidewalks	60%	30

* Data from "Mean Streets" National Law Center for the Study of Homelessness 1996

Table 2

In 1996, the National Law Center for the Study of Homelessness conducted a survey of fifty U.S. cities to determine how many had legislated public order ordinances. Table 1 shows that a number of cities have passed such policies. Sidewalk obstruction, begging, loitering and aggressive panhandling were the most common laws on the books.

Cities argue that perceptions of disorder have had a deleterious affect on the economic health of these areas. These claims have been upheld by lower courts. For example, Seattle successfully defended the city's Sit and Lie ordinance by arguing that the city had a compelling state interest in protecting it's economic health, which was being eroded by the presence of idle street people in commercial districts. [*Roulette v. City of Seattle*]

Politics and Public Order

In both Oakland and Seattle, few political leaders have taken the lead on public order policing issues. In Oakland, one city council member, Nate Miley supported the police implementation of the cruising policy even while

acknowledging that the tactics employed might be discriminatory. However, the majority of political leaders did not publicly defend or condemn police actions. In Seattle, City Attorney Marc Sidran has been extremely prominent in the street civility movement. Yet despite strong support from Mayor Rice and the council, none have voiced strong public support for the civility ordinances.

In both cities, most political leaders have behaved as disengaged delegators, retreating from the issue and allowed the legal branches of government to argue in support of these measures. However the behavior of the political leadership in Oakland and Seattle is likely related to the “squeamishness” of the reigning liberal dominant coalition rather than a function of the policy issue. As County Executive Sims in King County, Washington stated, feeling of liberal guilt may be a major reason political leaders in Seattle are silent on the street civility issue. [Romano 1998]

Alternatively, Rudolf Guiliani in New York has found addressing public order problems to be extremely politically beneficial. Since his first term in office, Guiliani has emphasized bringing civility to New York as the lynchpin for the city’s revitalization efforts. Guilani’s “quality of life” campaign began with the widespread implementation of zero tolerance policies on low-level offenses such as panhandling and loitering. Guiliani’s campaign has expanded to include cracking down on jaywalking, aggressive squeegee men, reckless taxi drivers, noise pollution, sex shops, and graffiti artists, among others.

Since instituting these policies, New York crime has dropped substantially. Although crime nationwide has also dropped, the decline is most

dramatic in New York. This has led many to argue that New York's practice of "cracking down" on low level offenses have positively impact the rates of more serious crimes. The mayor, a Republican, has enjoyed considerable popularity among the city's Democratic majority. However, this bipartisan popularity is likely due to the Mayor's ability to link the issue of public order to crime and tap into broader concerns about crime.

Guiliani's critics point out that there may be a dark underbelly to these positive changes in New York. Relations between the police and African Americans are reported to be extremely tense. In an editorial to the NAACP magazine *The Crisis*, former mayor David Dinkins argues that the deteriorating relationship between people of color and the police in New York is directly connected to the city's "quality of life" policing tactics [Dinkins 1997]. Excessive force complaints to the police increased over 60% in the first year after the implementation of the "quality of life" campaign. Many charged that the beating and sodomizing of Abner Louima in August 1997 was a direct descendent of "unleashing" the police on minority communities. In some instances, Guiliani's low tolerance for any form of "disorder" in public spaces has made his policies appear overly authoritarian. Finally, critics relish in the irony of the city's "civility" movement being led by Guiliani, a mercurial and acerbic political leader. Despite these criticisms, Guiliani won reelection in 1997, and it is likely he will pursue higher office at the end of his mayoral term. Guiliani's record suggests that under certain circumstances, public order issues can be successfully politicized by savvy political leaders.

Labor Relations and Police Policy Making

In the early years of police unionism, both city leaders and police management virulently opposed the movement, believing it to be anti-reform and unprofessional [Fogelson 1977]. Today, some sort of formal collective bargaining agent represents most officers in major police departments. As this study shows, police unions can be instrumental players in police policy making. In two of the three policy decisions examined for this study, labor unions were significant players in the policy making process. As advocacy organizations, the unions' interest in establishing the most advantageous disciplinary procedures and work rules for officers is understandable. However, the context in which police unionization emerged and evolved also plays a role in union strategies, tactics, and goals. Kelling and Kliesment argue that the prevailing model of police unionism is quite similar to the industrial union model, and this has implications for the way police unions represent member interests. [Kelling and Kliesment 1996]

Industrialization replaced artisans and craftsman with workers who performed more mechanical, repetitive, and piecemeal tasks. Fredrick Taylor's scientific management model, with its emphasis on standardization, routinization, centralization of authority and unity of command, became institutionalized in many industrial settings. Changes in the character of work, led worker's organizations to redefine the basis of their value. One scholar argues that "in order to defend workers against the abuses of scientific management, the new industrial unions accepted, even embraced, all that went

with it”[Quoted in Kelling and Kliesment 1996]. Particularly, the new unions used the excessive rules and regulations associated with Taylorism as a basis for empowering shop floor workers. “They negotiated multiple job classifications, linked wage rates to the job instead of a worker’s skills, and established seniority as the basis for promotion.” [Kelling and Kliesment 1996]. By focusing more narrowly on rules, industrial unions relinquished the power to make far reaching changes yet increased their “negative power” to limit managerial prerogatives.

The professionalization movement institutionalized many of the same values of Taylorism - standardization, centralization, specialization - into policing. Similarly, like industrial unions, police unions have relied on “negative power” as the primary means of exercising influence. Ironically, the rules instituted to “control” police officers have been the primary tools used by police unions to limit the extent of this control. The abundance of rules governing police officers may actually be beneficial for clever negotiators seeking to forward the interest of officers. As one labor lawyer states, “It is nearly impossible to have a situation in which a creative police organizer cannot find a rule, regulation, guideline, budget provision, benefit program rule or personnel procedure which cannot be exploited to significantly increase the rights and benefits of working officers”. [quoted in Kelling and Kleisment 1996]. As accrued benefits were tied to the rule-based or “reform” model, police unions have generally opposed measures which seek to alter this model. Further, equating officer representation with negotiation of “work rules” has created a

false dichotomy between management and officer interests. For example, broader organizational goals like better community relations and quality of services are viewed by many unions as “management” rather than worker issues.

Bread and butter issues such as salary increases, fringe benefits, seniority privileges, etc. constitute a major portion of union negotiations. Grievance and disciplinary procedures are equally important. Nearly every police policy of serious consequence is considered a bargainable issue. Cities have usually fared poorly in police union negotiations. One author argues that early on cities ceded vital ground to police unions who have been able to ensconce these gains within contracts protected by beneficial past practices clauses [Guyot 1991]

The dominant role of public sector unions in policing, and in some instances urban politics, poses serious questions for urban government. As Guyot writes “Union-management bargaining in the public sector is political bargaining.” [Guyot 1991 208]. Essentially public-sector bargaining constitutes a decision on how resources will be allocated. The proliferation of municipal unions and the restrictions of the bargaining process significantly weakens the city’ ability to control how resources are allocated.

“... the public demand for municipal services cannot easily be slackened; the city cannot bring on any disruption of services posing a real hazard to health or safety; citizens are uninformed and unrepresented in the bargaining; and voters are in a position to punish only one party to the dispute, the elected political leadership.” [Guyot 1991 208]

Public safety unions (police and fire) have an even stronger stranglehold on city resources. Most cities have de facto or de jure parity clauses by which gains received by one public safety department are often automatically conferred

to the other. Further, in return for including no-strike clauses within the contracts, most public safety unions can appeal to binding arbitration rules when negotiations reach an impasse. Since the rules of binding arbitration are biased towards the status quo, unions usually fare better in arbitration than cities.

Resource allocation and policy making through the bargaining process also raises serious questions about democratic governance and accountability. The union negotiation process is highly secretive and removed from public scrutiny. Some cities, such as Oakland have a non-interference clause that prohibits political leaders from interceding in union negotiations. The implications of secret, quasi-public processes having significant influence over governance decisions is somewhat troubling. Particularly when, as was demonstrated in this research, union resistance can block attempts to develop more responsive and accountable public policies.

Police unions have also been instrumental in shaping the occupational identity of police departments. An ancillary effect of professional policing has been the development of a closed, internal policing culture that places a high value on loyalty and solidarity. With their strong status quo bias and emphasis on solidarity, unions facilitate the strong, internal, "thin blue line" organizational culture that exists in many police departments. Professionalism encouraged the development of an internal organizational culture and unions have become the standard bearers of that culture.

Further complicating the role and function of unions are the skewed rates of participation in union matters among rank and file members. Guyot reports

that few rank and file officers volunteer to serve on the union. The perspectives of those who participate in union leadership may not be representative of the majority of rank and file members. In some instances this means a small subset of officers can “exert itself in directing the union and pursue policies quite at variance with the wishes of the majority of members” [Guyot 1991; 210].

All of these factors have made police unions formidable opponents to changes in police policy. However rather than blanket opposition or acquiescence to union stubbornness, policy makers and police administrators must find ways to broaden the perspectives of union leaders by engaging unions into the broader organizational agenda. For example, it is imperative that policy makers persuade union leaders that policies aimed at strengthening police accountability, increasing police responsiveness, or broadening police activities beyond crime control can work in their own self-interest. Broad public support for police activities and diversity in assignments may translate into greater job satisfaction and effectiveness. More importantly, poor relations between the police and external actors is most certainly the precipitator of ill will towards the police and police officers.

Policing by Consent

Across the policy decisions examined, the central issue has been defining the appropriate relationship between the police, political leaders, and the public. Much of the current concerns about police/community relations stem from how the professionalization model constructed relations between the police, political institutions, and the public. Specifically, the professional model failed to grasp

the interdependence between public consent and organizational autonomy. This section will address this issue and argue for a more interactive notion of police reform that attempts to balance these two principles.

The underlying problem in each of the policy decisions examined is that the consensual aspects of policing were not taken seriously. On the issue of police accountability, public consent was undermined when some citizens believed the police had overstepped their authority, and questioned whether internal "policing" procedures could ensure police integrity. Community policing advocates argue that public consent is weakened when professional police methods are insensitive to communal concerns. The thin consent that exists under professionalized policing opens the police up to criticisms that their actions are ineffective and nonresponsive, if not overly intrusive. And in public order policing, communal conceptions of normative order are often not factored into policing high profile public spaces. Broad-based community consent is needed to police such areas with minimal resistance and maximum support from the public.

All three of these decisions challenge the Progressive/professional vision of impersonal, standardized, and centralized policing services. This speaks to an enduring tension in bureaucratic accountability - the tension between organizational autonomy and public consent. As the primary agents for enforcing domestic social control, the function of policing exacerbates the traditional tension between bureaucratic autonomy and public consent.

Unfair or unduly influenced policing ultimately raises questions about the quality of justice overall. In an effort to eliminate any appearance of partisan or factional policing, Progressive and professional reformers argued that organizational autonomy was critical, lest police become pawns of corrupting influences. However, it is precisely because the police perform such a critical function that they require broad based public consent for their activities. An overly autonomous police department, while insulated from the corrupting influences of partisan politics, can itself become a political tyrant. Tyrannical police practices in Los Angeles, New Orleans, Philadelphia and other cities attests to the dangers of police departments becoming their own judge and jury. Rethinking the relationship between autonomy and consent is particularly critical given the growing multi-cultural character of many major American cities. In a dynamic, changing environment the police need to be sensitive and responsive to different publics.

This suggests we need to think differently about police reform than we have previously. Traditionally police reform has meant standardization, elimination of discretion, and regimentation. However this view of reform is limited and static because it conceives of reform as an end unto itself. "Reform" is not an end product. It is an ongoing process by which the police, the public and political leaders continually interact and redefine what the appropriate relationship between them should be, within the boundaries of the law. Viewing police reform in this way means it is unproductive to ask whether a police department is "reformed" or "unreformed". Rather the question becomes

whether current organizational and institutional structures are autonomous enough to prevent corruption or capture, yet permeable enough to sustain the legitimizing function of public consent, while abiding by the dictates of the rule of law.

The risks associated with either too little autonomy or too little consent are well documented. The limited police organizational autonomy under machine governance made urban policing a tool for the politically powerful. The problems with the professionalization model illustrates the dangers of over-insulating police organizations from political elites and the public. However the tension between autonomy and consent can only be resolved by recognizing the interdependence of these two values. As Michael Brogden argues

“Consent is inextricably linked to the performance of the police service function. Not only because of the democratic imperatives, but also because functionally the police job is impeded when consent is not present. Independence and thus the autonomy of the police institution from political constraints is achieved through the construction of a broad service relation between police and community. The degree of autonomy granted police organizations is directly related to the quality of the consensual relationship between the police and the public. In this way autonomy and consent are interdependent concepts.” [Brogden 1982]

The professionalization movement brought many essential improvements to American policing. Most importantly, it established the supremacy of and obligations to the rule of law in guiding police practices. However, in its single minded efforts to stamp out corruption and capriciousness, the professional policing model ultimately fails because it undermines the fundamental consensual relationship which legitimized its claims for greater organizational autonomy. Current reform efforts, most specifically community policing, must

navigate this terrain more thoughtfully, and develop mechanisms that recognize and support the interdependence of these two concepts.

The political discourse that defines policing politics also needs to be reexamined. Hyperbole and incendiary rhetoric from interested parties across the political spectrum are pervasive in police politics. However, my concerns about the tenor of the debate on these issues is directly primarily at community groups. Community action on police issues, particularly on accountability issues is essential. It is unlikely that any progress would have been made on police accountability in either city without vigilant community actors raising the issue. However, too frequently community groups rely on a one dimensional political strategy – public outrage – when raising these issues.

In many respects this is an understandable, and at times justifiable reaction. Wanton police harassment or violence resulting in the dwindling of civil liberties, serious injury, or death should provoke outrage. However too often there are few distinctions made between problematic police practices and truly egregious violations of the public trust. Broadly construing all problematic police practices in the most extreme way serves to lessen the political influence of community interest groups in a number of ways.

By failing to distinguish between police abuses, it desensitizes the larger community to the warranted concerns raised by these groups. This decreases the ability to build broad-based support for any policy change or at worse, it can strengthen the hand of opponents who can more easily characterize the groups as “extremists”. Moreover, it reduces the group to employing one political

strategy – the ability to disrupt, protest, and question authority. This is a critical political tool. Indeed, the fruits of constructive protest and civil disobedience are evidenced in the elimination of Jim Crow laws and *de jure* racial discrimination in the U.S. However it is a political tool best used judiciously and in concert with a range of other political strategies such as electoral politics, active participation and mobilization at the grassroots level, working in partnership with other like-minded community groups, and engaging in the art of public persuasion.

For example, PUEBLO in Oakland is a group that represents a potentially new model of police accountability interest group action. PUEBLO is a stable community-based organization, with a track record of effectively intervening in the policy making process. They employ a number of strategies - traditional protest strategies as well as deliberative and collaborative methods. Although in Oakland, the union was able to win key provisions in the civilian review board decision, PUEBLO has maintained their vigilance beyond the decision making process and continues to weigh in on the issue of police accountability. Community concern about policing is essential if problematic police practices are to be examined and rectified. However effective community political action requires that community groups employ the full range of political tools available to them.

Urban Political Theory and Social Regulatory Policies

Development politics and urban economic life dominate contemporary urban political studies. However, the dominance of development studies has left

a large gap in our understanding of other types of policymaking. Specifically, very little attention has been given to policies that could be more accurately described as social regulatory or social justice policies. This dissertation represents a small exploratory, step towards fleshing out the politics of policy making on one policy area within the social regulatory/social justice policy sphere.

Peterson's policy spheres model is quite perceptive. Surprisingly, even though the issues discussed in this study dealt with questions of justice, public safety, and social order, the economic implications of policy decisions were never far from the minds of political leaders. Ultimately however, Peterson's model can not adequately capture the complexity of policy making on social justice/social regulatory issues. By starting with the premise that economic impact is the most important factor affecting politics and political decision making, he categorically excludes policies for which economic impact is not the primary issue, and reduces political and social interests to economic interest. Economic impact is a persistent ribbon running throughout urban policy decisions, however other concerns such as social mores, values, and justice are equally important to many urban residents.

Perhaps a more telling reading is the underlying tension between political leaders and community activists on the weight economic considerations *should* have on decision making. Economic development is often posited as a "public good" whereby all residents will reap the benefits of economic growth. However patterns of urban economic development challenge this assumption, as

development has traditionally focused on developing the city core, often at the expense of local neighborhoods. In some instances, city core development has resulted in the destruction of traditional downtown neighborhoods, the displacement of the low-income residents who lived in these neighborhoods, and the depopulation of urban city centers. Much of the backlash against aggressive economic development has come from neighborhood groups questioning whether unbridled growth in the city center adversely affects other “quality of life” measures, such as low-income housing options, suburban sprawl, and environmental health [Sonenshein 1993; Robinson 1996].

The suggestion here is not that the policy responses of political leaders were based primarily on economic factors. Rather it appears that in most instances, political leaders were far more attuned to the potential economic impact of policy decisions than many urban residents. Even policy issues for which economic impact seemed fairly remote, such as police accountability, evoked in some instances, concerns about how policy decisions would be interpreted by investors and business. Thus the reach of “economics” in urban decision making appears to extend into the “non-economic” or social regulatory/social justice realm as well, at the local level.

Neighborhood organizations and community activists expressed concerns about economic impact in some instances, particularly when these groups were dominated by business representation. However the thrust of their concerns focused on issues which would be more appropriately categorized as “non-economic”, such as fairness, safety, responsiveness, and accountability. In

some instances, residents protested the city's over-sensitivity to economic concerns. For example, in the handling of the conflicts at Lake Merritt in Oakland, Lakeside residents believed that their neighborhoods were being sacrificed to the economic value of maintaining a positive public perception about circumstances at the Lake.

This suggests that on some policing issues, particularly those for which geography is a defining factor in the debate, the conflict between neighborhoods and political leaders over police policy decisions may be similar to the conflicts between these entities over economic development decisions. This suggests that further research on police policy making may benefit from a theoretical framework that draws from the literature on neighborhood-based politics and other theories focusing on politics and space. Further research also needs to work towards disentangling the complexity of community demands on policing and police services. The intertwining and conflating of concerns and demands at the individual and the community level make it particularly difficult to develop policing policies that can adequately respond to these concerns. This area of study would greatly benefit from more detailed, qualitative, and quantitative analyses aimed at understanding individual and community level conceptions of the appropriate and inappropriate boundaries of police behavior.

This research demonstrates that economic concerns are a prominent background factor in police policy making decisions. However, this study also demonstrates that issues of fairness, justice, safety, respect, and equality of treatment are equally important. Economic life is an overarching issue in urban

life, yet urban political studies need to reach beyond the politics of economics if we are to develop theories that explain the breadth of issues urban governments must face.

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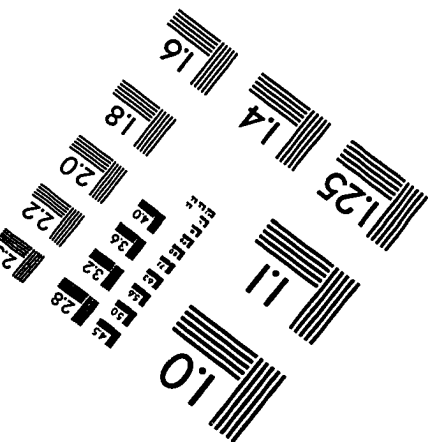
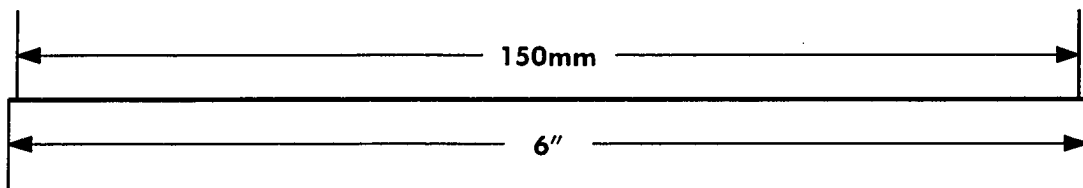
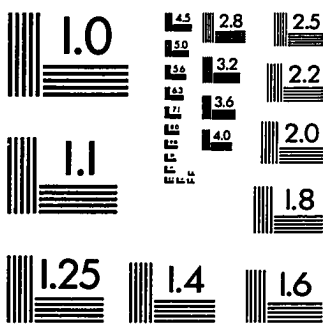
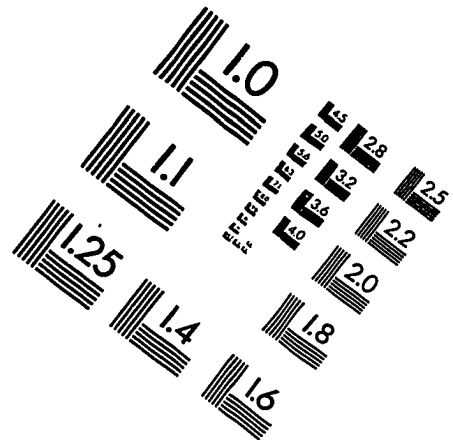
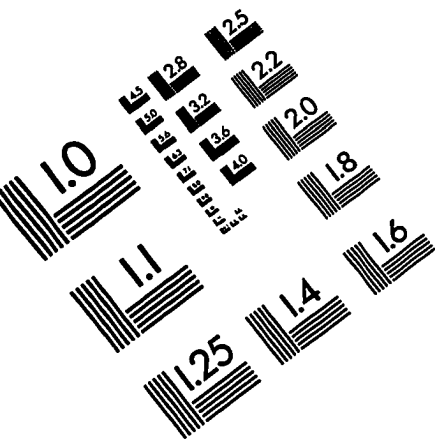
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